

MEETING

CHIPPING BARNET AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 30TH NOVEMBER, 2017

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF CHIPPING BARNET AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Wendy Prentice
Vice Chairman: Councillor Stephen Sowerby MA

Alison Cornelius
Tim Roberts

Laurie Williams
Reema Patel

Kathy Levine

Substitute Members

Caroline Stock
Philip Cohen
Sachin Rajput

David Longstaff
Paul Edwards

Andreas Ioannidis
Pauline Coakley Webb

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

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Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

| Item No | Title of Report | Pages |
|---------|--|-----------|
| 1. | Minutes of last meeting | 5 - 12 |
| 2. | Absence of Members (if any) | |
| 3. | Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (if any) | |
| 4. | Report of the Monitoring Officer (if any) | |
| 5. | Addendum (if applicable) | |
| 6. | Leahurst Nursery, 36A Galley Lane, Barnet EN5 4AJ (High Barnet) | 13 - 28 |
| 7. | Leahurst Nursery 36A Galley Lane Barnet EN5 4AJ - Relocation of Nursery Potting Shed and Store (High Barnet) | 29 - 36 |
| 8. | Hadley Green Garage Victors Way Barnet EN5 5TZ (High Barnet) | 37 - 42 |
| 9. | Woodlands Pine Grove London N20 8LB (Totteridge) | 43 - 56 |
| 10. | Courtlands 24 Northumberland Road Barnet EN5 1ED (Oakleigh) | 57 - 66 |
| 11. | 155 And 157 Chanctonbury Way London N12 7AE (Totteridge) | 67 - 80 |
| 12. | 1 Sussex Ring London N12 7HY (Totteridge) | 81 - 90 |
| 13. | 2A Alverstone Avenue Barnet EN4 8DS (East Barnet) | 91 - 102 |
| 14. | 101 Greenway London N20 8EL (Totteridge) | 103 - 114 |
| 15. | Any item(s) the Chairman decides are urgent | |

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with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

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Decisions of the Chipping Barnet Area Planning Committee

1 November 2017

Members Present:-

AGENDA ITEM 1

Councillor Wendy Prentice (Chairman)
Councillor Stephen Sowerby (Vice-Chairman)

Councillor Alison Cornelius
Councillor Tim Roberts

Councillor Laurie Williams
Councillor Kathy Levine

Apologies for Absence:-

Councillor Reema Patel

1. MINUTES OF LAST MEETING

The minutes of the meeting held on 17 October 2017, were agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Councillor Reema Patel sent her apologies.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

| | |
|-----------------------------|---|
| All Members | Declared a non-pecuniary interest in item 8, as they know the applicant, Stephen Sowerby. |
| Councillor Alison Cornelius | Declared a non-pecuniary interest in item 7, as her husband, Councillor Richard Cornelius was speaking on the item. |
| Councillor Sowerby | Declared a pecuniary interest in item 8, as it was his application. Therefore he would not partake in the discussion or vote on this item and would leave the room. |

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

Supplements were dealt with under individual agenda items.

6. GARAGES AT 1-4 PORCH WAY LONDON N20 0DS (OAKLEIGH WARD)

The Committee received the report.

Representations were heard from Mr Paul Lynch.

A vote was taken as follows on the Officer's recommendation to approve the application:

| | |
|---------------------------|----------|
| For (approval) | 1 |
| Against (approval) | 5 |
| Abstained | 0 |

It was moved by Councillor Sowerby and seconded by Councillor Roberts that the Officer's recommendation be overturned and that the application be **REFUSED** for the following reasons:

The proposed dwelling by reason of its size and siting would be a cramped and incongruous form of development on a restricted site detrimental to the character and appearance of the area and the streetscene, contrary to policies to the Council's policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012).

A vote was taken on the motion:

| | |
|--------------------------|----------|
| For (refusal) | 5 |
| Against (refusal) | 1 |
| Abstained | 0 |

RESOLVED that the application be REFUSED, for the reason detailed above.

7. 16 SUSSEX RING LONDON N12 7HX (TOTTERIDGE WARD)

The Committee received the report.

Representations were heard from the Applicant's agent and Councillor Richard Cornelius.

A vote was taken on the Officer's recommendation to refuse the application as follows:

| | |
|--------------------------|----------|
| For (refusal) | 0 |
| Against (refusal) | 6 |
| Abstain | 0 |

It was moved by Councillor Alison Cornelius and seconded by Councillor Roberts that the Officer's recommendation be overturned and that the application be **APPROVED** for the following reason:

The officer's reason for refusal is weak considering the fact that the cafe opposite the application site has been granted a planning permission for

such a change of use and it therefore seems illogical that this application should be denied a similar permission.

A vote was taken on the motion including a condition put forward by the Applicant's agent as detailed below:

| | |
|---------------------------|----------|
| For (approval) | 6 |
| Against (approval) | 0 |
| Abstained | 0 |

RESOLVED that

1. the application be approved, subject to the following conditions:

1) Approved plans

The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan and Drawing No. KT-04112014-N127HX-1, KT-04112014-N127HX-2

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2) Standard time limit

This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3) Personal Permission

The use of the ground floor premises shall only be operated out by the occupier of 16 Sussex Ring, Mr Haijri Alija. When the premises cease to be occupied by Mr Haijri Alija the A1/A3 use hereby permitted shall cease operation and the use of the premises shall revert back to the previously established A1 use.

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area and to maintain the vitality and viability of the existing retail provision in the locality.

4) Restrict Use Class

The premises shall be used for Use Class A1/A3, and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order, 2015, or in any provision equivalent to Classes A1 and A3 in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

5) Restrict Opening Hours

The use hereby permitted shall not be open to members of the public before 08:00 or after 19:00 on weekdays, before 10:00 or after 19:00 on Saturdays, Sundays and Bank Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

6) Restrict Noise from Plant

The level of noise emitted from the (flue and associated equipment) plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

7) Impact of Noise from ventilation and extraction plant on development

- a. No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority;
- b. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations; and
- c. The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the

8) Kitchen Extraction Equipment

- a. No development other than demolition works shall take place until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using antivibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority; and
- b. The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

- 2. **AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).**

8. 31 EAST VIEW BARNET EN5 5TW (HIGH BARNET WARD)

The Committee received the report and addendum.

A vote was taken on the Officer's recommendation to approve the application as follows:

| | |
|---------------------------|----------|
| For (approval) | 5 |
| Against (approval) | 0 |
| Abstain | 0 |

RESOLVED that;

- 1. **the application be approved, subject to the conditions detailed in the report and as per the amended description set out in the addendum;**
- 2. **AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for**

refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

9. 67 RIDGEVIEW CLOSE BARNET EN5 2QD (UNDERHILL WARD)

The Committee received the report.

A vote was taken on the Officer's recommendation to approve the application as follows:

| | |
|---------------------------|----------|
| For (approval) | 3 |
| Against (approval) | 1 |
| Abstain | 2 |

RESOLVED that;

- 1. the application be approved, subject to the conditions detailed in the report;**
- 2. AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).**

The Chairman further agreed she would pass on property concerns regarding this address to the Leader of the Council to look into.

10. CHARLOTTE COURT 153 - 155 EAST BARNET ROAD BARNET EN4 8QZ (EAST BARNET WARD)

The Committee received the report.

A vote was taken on the Officer's recommendation to approve the application as follows:

| | |
|---------------------------|----------|
| For (approval) | 6 |
| Against (approval) | 0 |
| Abstain | 0 |

RESOLVED that;

- 1. the application be approved, subject to the conditions detailed in the report;**
- 2. AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be**

exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

11. HARVESTER STIRLING CORNER BARNET EN5 3JG (UNDERHILL WARD)

The Committee received the report.

A vote was taken on the Officer's recommendation to approve the application as follows:

| | |
|---------------------------|----------|
| For (approval) | 6 |
| Against (approval) | 0 |
| Abstain | 0 |

RESOLVED that;

1. the application be approved, subject to the conditions detailed in the report;

2. AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

12. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

The Chairman thanked Adam Ralton, Principal Planning Officer, on his last meeting and wished him the best in his new job from all of the Committee.

The meeting finished at 19.47

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Location: Leahurst Nursery, 36A Galley Lane, Barnet EN5 4AJ **AGENDA ITEM 6**

Reference: 17/5069/FUL **Received:** 4th August 2017
Accepted: 20th August 2017

Ward: High Barnet **Expiry:** 15th December 2017
(including agreed extension of time)

Applicant: Mr Lyndon Osborne

Proposal: Stationing of a mobile home for a temporary period of three years

RECOMMENDATION I:

Approve subject to the conditions

The Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

Conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

KCC2097-03A 11/17se
KCC2097-05A 08/17cb
KCC2097-06A 08/17cb

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This permission shall be for a limited period only, expiring on 1st December 2020 or when Mr Lyndon Osborne ceases to occupy the dwelling, whichever occurs sooner. At that time the use hereby permitted shall be discontinued and the building(s) and works carried out under this permission shall be removed and the land reinstated, in accordance with details that have first been approved in writing by the Local Planning Authority, before 1st February 2021.

Reason: To protect the amenities of the area and its Green Belt setting, in accordance with the NPPF, policy 7.16 of the London Plan (2016), policy CS7 of the Adopted Local Plan Core Strategy (2012) and policy DM15 of the Barnet Local Plan Development Management Policies DPD (2012).

- 3 a) No development other than demolition works shall take place until details of the materials including colours to be used for the external surfaces of the building and materials and extent of any hard surfaced areas (which shall be permeable) have been submitted to and approved in writing by the Local Planning Authority.
 b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.
 Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.
- 4 a) The approved temporary dwelling shall not be brought onto the site or constructed until details of boundary treatments to the rear of 32 and 34 Galley Lane and of any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority.
 b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such until the building is no longer occupied and in preparation for its removal from the site.
 Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).
- 5 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.
 b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).
 Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.
- 6 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.
 b) The development shall thereafter be implemented in accordance with details approved under this condition.
 Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015).
- 7 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency

measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 8 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.
Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 9 Before the temporary building is first occupied, all windows on the north-east elevation (facing 32 and 34 Galley Lane) shall be fitted with obscure glazing, and shall be permanently fixed shut with only a fanlight opening, and shall be retained as such until the building is removed from the site.
Reason: To safeguard the privacy and amenities of occupiers at the development and of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 10 The dwelling hereby permitted shall be occupied only by Mr Lyndon Osborne and his family.
Reason: To protect the amenities of the area and its Green Belt setting, in accordance with the NPPF, policy 7.16 of the London Plan (2016), policy CS7 of the Adopted Local Plan Core Strategy (2012) and policy DM15 of the Barnet Local Plan Development Management Policies DPD (2012).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

1. Site Description

The application property is a long-established horticultural unit that is understood to have been established during the 1950s, which covers approximately 0.7 hectare to the west of Galley Lane, Barnet and to the rear of numbers 18-36 Galley Lane. The site shares boundaries on three sides with residential gardens including 16 and 38 Galley Lane which, being longer than those of numbers 18-36, form the southern and northern boundary respectively, while to the west lies open countryside. Access to the site is gained from Galley Lane via an access road between 36 and 38 Galley Lane. The property is in use as a plant nursery and contains three glass houses, seven polytunnels, a potting shed and a garage.

Within this area, the application site is a smaller area of 480 square metres adjacent to the rear boundaries of 32, 34 and 36 Galley Lane, together with the access road into the site. The main part of the site currently accommodates a garage located adjacent to the end of the access road and perpendicular to it, where the road opens out into the main part of the site, and a potting shed located immediately to the south of the garage.

The whole of the nursery and its surroundings, including the adjacent residential properties on the western side of Galley Lane, are located within the Green Belt.

2. Site History

Reference: B/05073/14

Address: 36A Galley Lane, Barnet, EN5 4AJ

Decision: Refused and subsequently dismissed at appeal

Application decision date: 24 March 2016

Appeal decision date: 10 April 2017

The 2014 application was refused planning permission for the following reason:

The construction of the new dwelling is an inappropriate form of development within the green belt, which does not preserve the openness of the Green Belt. No very special circumstances have been demonstrated that would justify the development. The development would therefore have an unacceptable impact on the aims, purpose and openness of the Green Belt, contrary to Policies CS NPPF, CS1 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM15 of Barnet's Local Plan Development Management Policies (Adopted September 2012), and paragraph 55 and section 9 of the National Planning Policy Framework Published 2012.

It should be noted that the current application site includes additional land on the western side of the site, which amounts to approximately 0.1 hectare, as compared to the area within the site location plan in the above proposal.

The following application is being considered alongside this application for a temporary dwelling:

Reference: 17/5066/FUL

Address: 36A Galley Lane, Barnet, EN5 4AJ

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Relocation of a nursery potting shed and store

3. Proposal

The proposal seeks planning permission for the siting of a temporary dwelling on the property for a temporary period of three years. It follows the refusal of an application for a permanent dwelling in 2016, and the dismissal of an appeal against the refusal in 2017. The dwelling would be located close to the rear boundaries of 32 and 34 Galley Lane.

The dwelling would be a single-storey structure, and as shown on the submitted elevation drawing would be 13.72m long including a small veranda at one end, 6m wide and 3.45 metres high along the ridgeline running the full length of the building. It would be located on the site of the existing potting shed. The current application noted in the site history above, ref. 17/5066/FUL, would provide for the separate dismantling and relocation of that shed.

4. Public Consultation

Consultation letters were sent to 18 neighbouring properties.

12 responses have been received including nine objections and three letters of support.

The objection letters raise the following issues:

- The Nursery should not be allowed accommodation permanent or temporary, as later it will give grounds for a house to be built.
- This is a residential street in the Green Belt and should remain so.
- Traffic hazard from additional traffic.
- The Nursery should not expand as that would result in additional traffic including commercial vehicles.
- The proposed siting is directly at the bottom of at least one objector's garden, with direct effects on the objector, his family and the green belt.
- The application statement is subjective and does not present the facts.
- Location of a new residential dwelling whether temporary or permanent is inappropriate development in the Greenbelt, in conflict with the National Planning Policy Framework.
- The proposed siting of this new dwelling will harm the openness of the Greenbelt.
- The site is not on wholly previously developed land so there will be harm to the openness of the Green Belt.
- Concerned that the application forms part of a wider strategic plan to establish the principle of residential accommodation on the site which will lead to a proposal for a permanent residential unit.

- The applicant relies on the now superseded PPS7 (2004) Annex A as the main policy to support this application. Greater weight should be given to the NPPF and the Local Plan.

The letters of support raise the following issues:

- The provision of on-site accommodation is an essential part of the development and future of Leahurst Nurseries.
- There is a practical need for a regular overnight presence on the nursery to protect the stock from disease, weather damage, effects of equipment failure
- Running a nursery is a very time demanding job - involving a very high level of working antisocial hours in sometime very unpleasant weather conditions.
- On-site accommodation would make an enormous difference to the functioning and future of the nursery business.

These issues are considered in sections 5.3 and 5.4 of this report.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 20 to 25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Policy 5.1 - Climate change mitigation

Policy 5.2 - Minimising carbon dioxide emissions

Policy 5.3 - Sustainable design and construction

Policy 5.7 - Renewable energy
Policy 5.13 - Sustainable drainage
Policy 7.4 - Local Character
Policy 7.16 - Green Belt
Policy 7.19 - Biodiversity and access to nature
Policy 8.1 - Implementation
Policy 8.2 - Planning Obligations
Policy 8.3 - Community Infrastructure Levy

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies:

CS NPPF National Planning Policy Framework - Presumption in favour of sustainable development
CS1 Barnet's place shaping strategy - the Three Strands approach
CS5 Protecting and enhancing Barnet's character to create high quality places
CS7 Enhancing and protecting Barnet's open spaces
CS15 Delivering the Core Strategy

- Relevant Development Management Policies:

DM01 Protecting Barnet's character and amenity
DM02 Development standards
DM03 Accessibility and inclusive design
DM08 Ensuring a variety of sizes of new homes to meet housing need
DM15 Green Belt and open spaces
DM16 Biodiversity
DM17 Travel impact and parking standards

The Council's approach to development as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM15 is particularly relevant to the determination of this application, setting out that the construction of new buildings in the Green Belt is inappropriate unless required for agriculture, horticulture or woodland.

- Supplementary Planning Documents

Mayor of London's Supplementary Planning Guidance

- Mayor of London's Housing SPG

London Borough of Barnet Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information to assist in the design of new residential development.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration are:

- (i) Principle of development in the Green Belt
- (ii) Whether the reason for refusal of the 2014 application and its subsequent dismissal at appeal are overcome in this application;
- (iii) Whether harm would be caused to the character and appearance of the locality;
- (iv) Whether harm would be caused to the living conditions of neighbouring residents;
- (v) Other matters.

These are considered below.

5.3 Assessment of proposals

Principle of the development in the Green Belt

Paragraph 28 of the NPPF deals with rural and agricultural development and notes that:

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- *promote the development and diversification of agricultural and other land-based rural businesses...*

Paragraph 55 deals with residential development in the countryside and states:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.... Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *The essential need for a rural worker to live permanently at or near their place of work in the countryside...*

Section 9 of the NPPF sets out policies in the Green Belt, advising that

- *inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para. 87);*
- *when considering planning applications Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other planning harm, is clearly outweighed by other considerations (para. 88); and*
- *A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*
 - *buildings for agriculture and forestry...*

- *the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use - excluding temporary buildings - which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. (para. 89).*

(The above bullet points are two of the six exceptions listed in paragraph 89.)

Barnet's Local Plan is consistent with the above approach, and the decision cited Core Strategy policies CS NPPF, CS1 and CS7 and Policy DM15 of the Development Management Policies DPD, alongside paragraph 55 and Section 9 as noted above.

- Whether the reasons for refusal and subsequent dismissal of the appeal have been overcome

The 2015 application was for a new permanent dwelling adjacent to buildings within the nursery, on the southern side of the building complex. In the Council's refusal, this was found to be an inappropriate form of development that would not have preserved the openness of the Green Belt. No very special circumstances had been demonstrated that would justify the development, and the development would therefore have had an unacceptable impact on the aims, purpose and openness of the Green Belt.

In the appeal decision letter, the Inspector concluded that on-site plant production operations was a viable element of the business (para. 14), but that an essential need for a permanent dwelling has not been demonstrated (para 23). On that basis the application failed to meet the appropriate policy tests and there were no special circumstances to justify the proposal in the context. The decision concluded that:

The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would be inappropriate development in the Green Belt as defined by the Framework. In addition, it would cause material harm to the openness of the Green Belt. I afford substantial weight to this harm.

As explained above, I have found that the appellant has not adequately demonstrated an essential need for a permanent dwelling in this location. In addition, I only afford limited weight to the other considerations cited in support of the proposal and conclude that, taken together, they do not

outweigh the harm that would arise as a result of the proposal. Consequently, no very special circumstances exist that would justify inappropriate development being allowed. Moreover, had I found an essential need, I am not convinced that such a special circumstance to justify a dwelling in the context of Paragraph 55 of the Framework would, along with the other considerations cited in support of the proposal, amount to the very special circumstances necessary to justify inappropriate development being allowed. This is notwithstanding that the appellant and the Council agree that it could be.

For the reasons set out above and having regard to all other matters, including the character and appearance of the area, pollution, emergency vehicle access, ecology, noise and disturbance, highway safety and light pollution, I conclude that the appeal should be dismissed.

It was common ground in the appeal that, while the dwelling proposed would be ancillary to the horticultural business, it could not be classified as an agricultural building. It was agreed

therefore that the dwelling would therefore be inappropriate and that, consistent with NPPF para. 88 as noted above, very special circumstances would only exist if the potential harm to the Green Belt by reason of inappropriateness, and any other harm, was clearly outweighed by other considerations. The dwelling subject to that appeal was a single storey house of contemporary design, about 160 sq.m. in area, measured externally. In this proposal, the temporary dwelling proposed would be approximately 80 sq.m.

In the refused application, the proposed dwelling would have been detrimental to the openness of the Green Belt due to the cleared nature of the site where it intended to be developed. The ground level in this part of the site is also higher than to the north, so this would have added to the prominence of the proposed dwelling. It was also considered that the proposal would have had the effect of moving the edge of the built up area further into the countryside and adding to a perception of urban sprawl within the locality.

In this case, the proposed temporary dwelling would be located within a group of existing buildings at the nursery, albeit close to the boundaries of two adjacent residential properties, 32 and 34 Galley Lane. While the implementation of the proposal would be dependent on the removal of the existing potting shed and its relocation as proposed under application ref. 17/5066/FUL, any impact on Green Belt openness would be minor as compared to the refused application. The area of the shed to be removed in this application is approximately 70 sq.m, about 10 sq.m. less than the area of the proposed temporary dwelling. The maximum height of the shed is 3.2m, although lower over most of the structure, as against 3.4m maximum for the proposed temporary dwelling. While the location of the building and the orientation of the building would make it a little more visible as viewed from 32 and 34 Galley Lane than the existing potting shed, the impacts on openness are marginal, and within the parameters of what is considered to be acceptable.

While buildings required for horticultural and agricultural purposes are not considered to be inappropriate within the Green Belt, as noted above dwellings for businesses engaged in horticulture and / or agriculture are inappropriate. The applicant has put forward a case that there is an essential need for a worker to live at Leahurst Nursery, and included a “needs case” which has been assessed on the Council’s behalf by an independent agricultural consultant, Richard Tattersall. Mr Tattersall is a chartered surveyor and land management consultant of some 25 year’s experience who acted for the Council in the recent appeal against refusal of the permanent dwelling.

The application contains revised budget forecasts for the business together with a list of works which it is intended will be carried out in order to further develop the scope and range of plant production. This includes a detailed plan for improving the existing horticultural facilities at the site. The independent review considers that the financial projections demonstrate that the proposals have the potential to further improve the financial base of the business at a relatively modest capital outlay and that this is considered to be achievable through the increased sales anticipated.

The assessment relies to some extent on Annex A to PPS7, which was superseded by the NPPF in 2012. The review notes that the methodology continues to be widely used in the assessment of ‘essential need’, including by Planning Inspectors. The consultant does acknowledge that if the application for a temporary dwelling is successful then this may well lead to an application for a permanent dwelling in due course, and notes that this “has long been accepted as the appropriate route by which to develop residential accommodation on farms or other agricultural or horticultural holdings where the appropriate tests may not be met at the outset, but where there is every reason to consider that they are likely to be achieved over the term of the temporary consent”.

The Council's consultant has assessed the applications Essential Needs Appraisal as follows:

i. Evidence of an intention and ability to develop the enterprise concerned

The applicant has the necessary personal skills of a dedicated plantsman and nursery operator that are required to successfully manage and oversee the range of plants and propagation methods undertaken at the nursery, and has been operating the business for many years.

ii. An Essential Functional Need

While there is the theoretical ability of monitoring systems and remote alarms to warn when problems arise, it is also the case, in the context of a modest plant rearing operation such as Leahurst Nursery, that such systems are not yet proven to be sufficiently fail safe to remove the need for a human presence and intervention. The review advises that it is essential and more cost effective in the long run, and would provide an improved level of overall management and operation of the nursery, if there was someone living within close proximity of the production buildings to provide direct monitoring and response as and when the need arises.

iii. Clear evidence that the enterprise has been planned on a sound financial basis

The financial projections and assessments provided are considered by the Council's consultant to provide sufficient evidence of the financial position of the business to show that it is viable.

iv. That no other dwelling can meet the need

It would be difficult for other properties to meet this need except those immediately backing on to the nursery. It was previously noted at the appeal that the value of any available dwelling on Galley's Lane could not be supported by the business.

Taking all of the above points, it is noted that the unit has operated without the availability of a dwelling for many years. However, the case made for the need at this point is that the development of the business is increasingly dependent on the provision of on-site accommodation. It is recognised that the application is predicated on building up the business to grow an increasingly wide range of plants with a wide range of conditions and relatively high attention requirements at the nursery. While the proposal is considered to be inappropriate in Green Belt terms, this is the heart of the "very special circumstances" argument that is required in order to justify the inappropriate development. In this case, the minor impacts on Green Belt openness assist the applicant's case. For that reason, it is considered that previous reasons for refusal and dismissal of the appeal have been addressed sufficiently to justify the location of a relocatable dwelling for a period of three years as applied for.

- Whether harm would be caused to the character and appearance of the locality

The proposed building is of utilitarian appearance, but being of a height and roof pitch which is similar to those existing at the site, subject to a condition to control materials and colours, it is considered that the building would not impact adversely on the character and appearance of the surrounding area.

- Impact on neighbours

The relocatable dwelling would be approximately 39 metres from the closest neighbouring residential properties at 32 and 34 Galley Lane. The proposal is not therefore considered to be detrimental by reason of the scale of the building to the amenities of the occupants of any neighbouring property. Unless a 2m high boundary fence or equivalent boundary treatment is provided, light spill could impact on neighbours to a very small degree as compared to the existing non-residential situation where the countryside would be completely dark at night, and a condition is recommended to provide for boundary treatment details to be submitted and approved. Subject to this and to the temporary siting as applied for, it is considered that neighbour impacts would be acceptable.

- Other matters

It is acknowledged that the application is a likely prelude to an application for a permanent dwelling at the site if the business continues to develop successfully over the next two to three years. While it is not the purpose of this application to consider what might be acceptable in future, it may be helpful at this point to consider what could be considered for such an application.

First, it would be necessary to demonstrate unambiguously that the business is viable and capable of continuing on a long-term basis, and to this end full accounts and financial information of business performance would be required. Provision would also need to be made for this to be audited on the Council's behalf with costs met by the applicant. Unless the viability of the business for a period of two to three years was properly demonstrated, there would be no justification for a permanent dwelling. Secondly, if viability was successfully demonstrated, while the location of the temporary building applied for now is considered to be acceptable, it should not necessarily be expected that this would be the right location for any permanent dwelling. This is likely to need to be located considerably further into the site in a location where neither Green Belt openness nor future amenity of neighbours would be affected. Thirdly, design would need to be of a very high standard and alongside this, very high standards of sustainability should be provided. Last and perhaps most important of all, the application would need to be considered in the light of any changes in policy that had come about in the intervening period.

5.4 Response to Public Consultation

The issues noted in the letters of objection are discussed above. With regards to letters of support, issues raised in regards to requirements of a small working nursery have essentially been acknowledged in the recommendation for approval.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

The construction of a new dwelling is an inappropriate form of development within the green belt. However, the proposal would result in little impact on the openness of the Green Belt. The needs case is accepted as the very special circumstances required to justify the development.

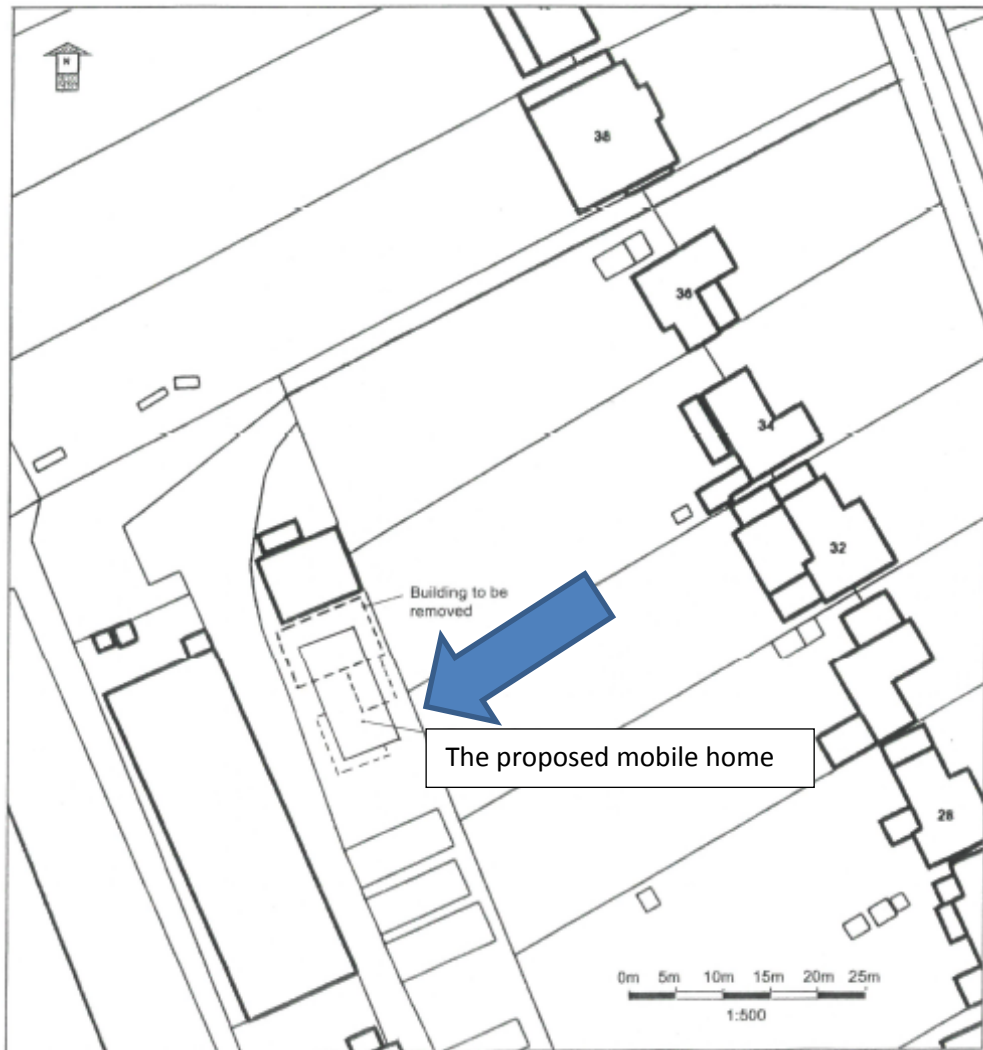
Site Plan



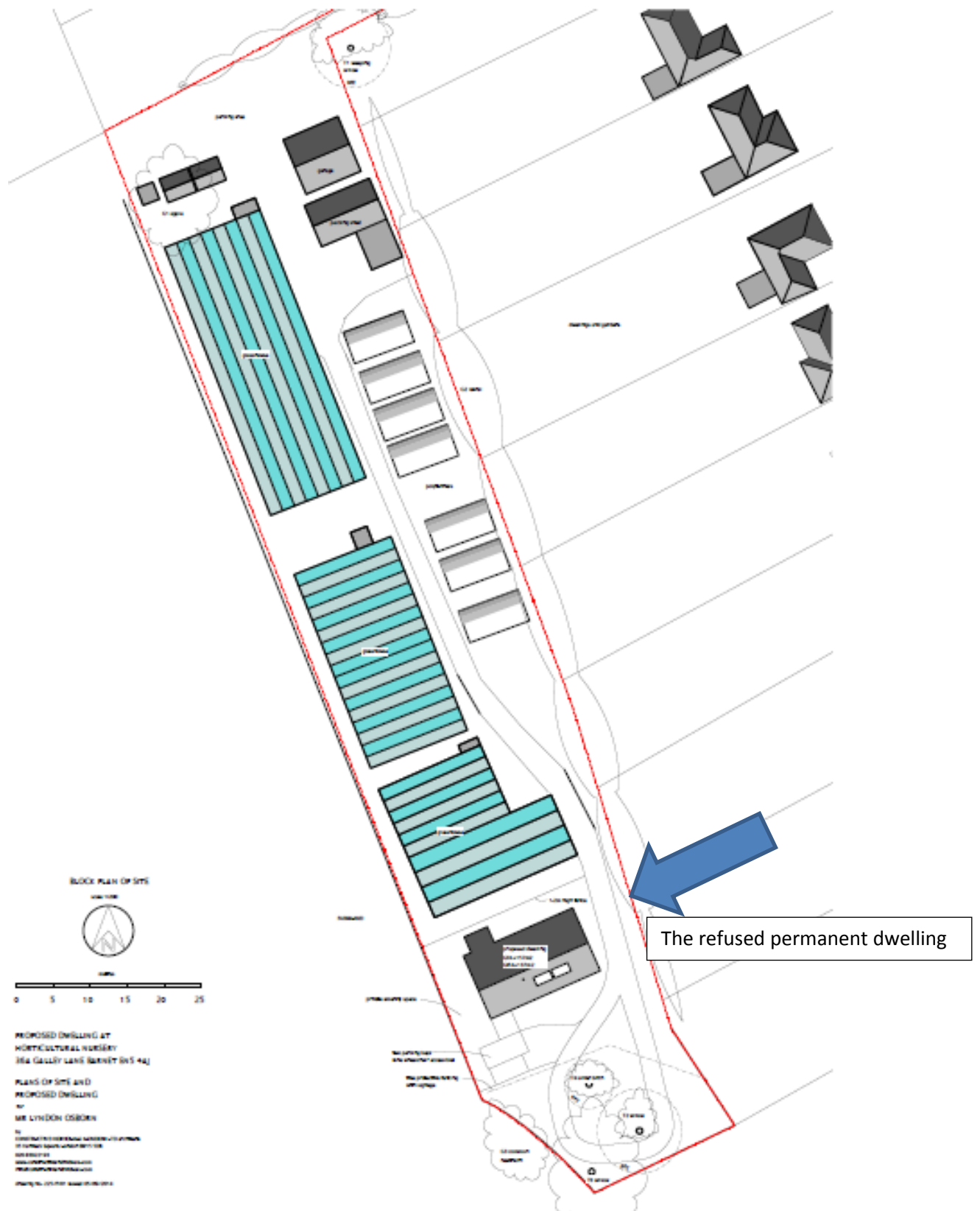
SITE PLAN



Proposed Block Plan



Refused layout plan for B/05073/14 (dismissed at appeal):



Location **Leahurst Nursery 36A Galley Lane Barnet EN5 4AJ**

Reference: **17/5066/FUL**

Received: 3rd August 2017

Accepted: 3rd August 2017

Ward: High Barnet

Expiry 28th September 2017

Applicant: Mr Lyndon Osborn

Proposal: Relocation of a nursery potting shed and store

AGENDA ITEM 7

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. KCC2097/01, KCC2097/02, KCC2097/04 and KCC2097 (dated and received on 21.11.2017)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those specified on the application form dated 3.8.2017 and approved plans.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application property falls within the Green Belt and is a long-established horticultural unit that has been established during the 1950s. The site covers approximately 0.7 hectare in area and is situated to the west of Galley Lane, and to the rear of numbers 18-36 Galley Lane. The site is bounded by residential rear gardens to the north and to the east and south of the site. To the west is open space which also falls within the Green Belt.

Access to the site is gained from Galley Lane via an access road between 36 and 38 Galley Lane. The property is in use as a plant nursery and contains three glass houses, seven polytunnels, a potting shed and a garage.

The main part of the site currently accommodates a garage located adjacent to the end of the access road and perpendicular to it, where the road opens out into the main part of the site, and a potting shed located immediately to the south of the garage.

The whole of the nursery and its surroundings, including the adjacent residential properties on the western side of Galley Lane, are located within the Green Belt.

2. Site History

Reference: B/05073/14

Address: 36A Galley Lane, Barnet, EN5 4AJ

Decision: Refused and subsequently dismissed at appeal

Application decision date: 24 March 2016

Appeal decision date: 10 April 2017

The 2014 application was refused planning permission for the following reason:

The construction of the new dwelling is an inappropriate form of development within the green belt, which does not preserve the openness of the Green Belt. No very special circumstances have been demonstrated that would justify the development. The development would therefore have an unacceptable impact on the aims, purpose and openness of the Green Belt, contrary to Policies CS NPPF, CS1 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM15 of Barnet's Local Plan Development Management Policies (Adopted September 2012), and paragraph 55 and section 9 of the National Planning Policy Framework Published 2012.

The following application is being considered alongside this application for a temporary mobile home.

Reference: 17/5069/FUL

Address: 36A Galley Lane, Barnet, EN5 4AJ

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Stationing of a mobile home for a temporary period of three years

3. Proposal

Relocation of the existing nursery potting shed and attached store.

The proposed potting shed is a single storey building. It has a floor area of 55m² with a width of 6.04 metres and length of 9.1 metres. The proposed attached store has a floor

area of 15.25 m² with a width of 4.7 metres and length of 3.25 metres. It gives a total floor area of 70.25m³.

4. Public Consultation

Consultation letters were sent to 22 neighbouring properties. 6 objections, 1 representation and 2 comments of support have been received.

The context which are relevant to this application can be summarised as follow:

Objections:

- Development on Greenbelt.
- No environmental impact study.
- No planning notice advertised in Galley Lane.
- Relocation site has never had buildings.
- Narrow driveway which causes endless problems when larger vehicles are making deliveries.
- Adverse traffic impact to the area.
- Greenbelt should not expand into commercial premises.

Comment of support:

- Develop the infrastructure of the nursery business is essential to the future of Leahurst Nursery.
- The new site for the potting shed has previously been used for nursery related buildings so it should be seen as part of the ongoing process of improving the nursery.

Representation:

- No environmental impact assessment.

Site Notice dated: 17.8.2017

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan March 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7
- Relevant Development Management Policies: DM01, DM02, DM15

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. Policy DM15 of the Council's Development Management Policies DPD sets out that development in the Green Belt is required to comply with the National Planning Policy Framework (NPPF).

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the current proposal constitutes appropriate development in the Green Belt;
- Whether harm would be caused to the character and appearance of the existing building, and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Whether the current proposal constitutes appropriate development in the Green Belt

Para.79 of NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. Para.89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt with one exception being buildings for agriculture and forestry. Para.90 of NPPF states that certain other forms of development are not inappropriate in Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

Policy DM15(a) of Barnet's Local Plan states the construction of new buildings within the Green Belt or Metropolitan Open Land, unless there are very special circumstances, will be inappropriate, except for the purpose of agriculture, horticulture and woodland.

The proposal involves the relocation of the existing potting shed and attached store. The usage of the shed and store would remain the same, which is to store horticultural tools, therefore the proposed development is considered as a building in use for agriculture and forestry. On this basis, the proposal subject of this application is considered acceptable

within the Green Belt. The proposal would be no different to the floor area, size, height and appearance to that of the existing potting shed and store.

Overall, it is considered that the proposed development is relatively small in size and scale and minor in nature. Although the new location falls outside the envelope of the existing structures, it has been sited adjacent to existing buildings. There would be some impact on the openness of the Green Belt, however the fact that the building is for agricultural purposes means it is not inappropriate development. The development would not conflict with the purposes of including land within the Green Belt and it is considered to be compatible with the Green Belt designation and does not conflict with Para.89 and 90 of NPPF and Policy DM15(a) of Barnet's Local Plan.

Whether harm would be caused to the character and appearance of the existing building, and the wider locality

The proposal as stated above would be similar to the size, height and appearance of the existing structures. The site consists of detached buildings and the existing shed and store would be relocated to the end of the site beyond, but adjacent to, the existing glasshouses and polytunnels. It is considered the proposal would not cause undue harm to the character and appearance of the application site nor the surrounding area.

Whether harm would be caused to the living conditions of neighbouring residents

The proposal would be situated to the rear of gardens of residential properties in Galley Lane. These residential properties benefit from relatively long gardens which maintains sufficient buffer distance of approximately 50-100m from the rear of these residential properties. Furthermore, the existing mature tall trees, vegetation and fences along the boundary of the site also mitigates the visual impact of the building on these residents. Given the size, siting and height of the proposed structure and the distances maintained from the rear of those residential properties it is not considered the proposal would have any appreciable adverse impact on the visual and residential amenities of those neighbouring residents.

Taking the above into consideration, the proposed development is not considered result in unacceptable levels of harm to the visual or residential amenity of the neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD.

5.4 Response to Public Consultation

Objections:

- Development on Greenbelt
Has been addressed within the above appraisal.

- No environmental impact study
The proposed development does not classify as Schedule 1 development nor Schedule 2 development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, so environmental impact study is not required.

- No planning notice advertised in Galley Lane
Site notice was erected on 5.10.2017.

- Relocation site has never had buildings.

The applicant states that historically single storey structures existed within the proposed location however he has confirmed that the buildings were cleared some time ago to enable an archaeological dig to take place.

- Narrow driveway which causes endless problems when larger vehicles are making deliveries.

There would be no changes to the current deliveries to the site. The application assesses the relocation of the structures and not the use of the premises.

- Adverse traffic impact to the area.

The operations of the site would remain the same therefore no impact on highways issues as a result of the proposed development.

- Greenbelt should not expand into commercial premises.

This has been addressed in the appraisal.

Representation:

- No environmental impact assessment.

The proposed development does not classify as Schedule 1 development nor Schedule 2 development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, so environmental impact study is not required. .

6. Equality and Diversity Issues

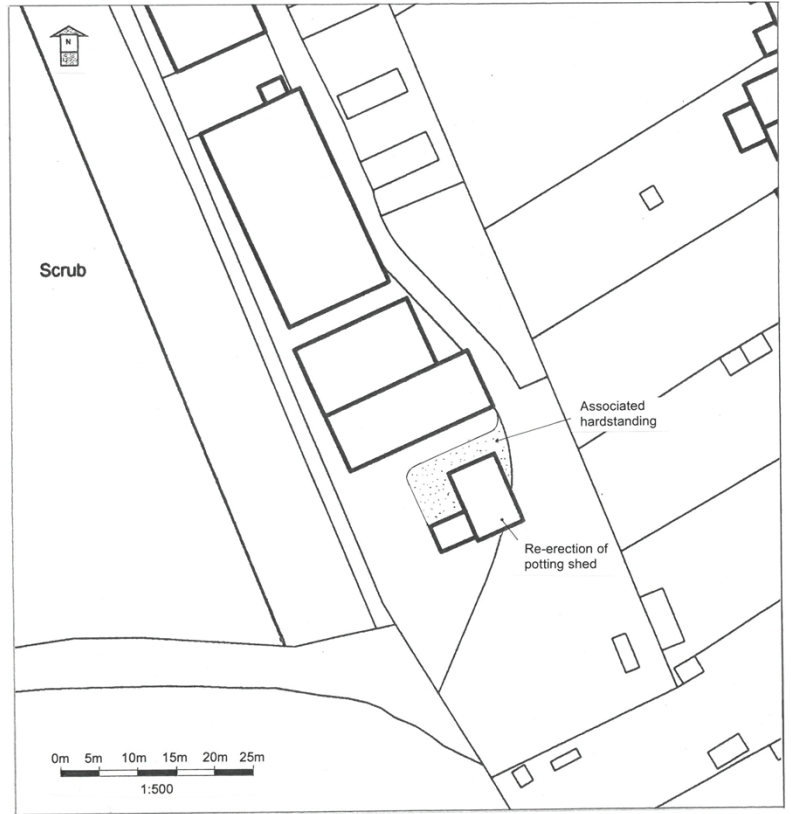
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have a significant adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



SITE PLAN



Location **Hadley Green Garage Victors Way Barnet EN5 5TZ**

Reference: **17/5782/FUL**

Received: 11th September 2017

Accepted: 20th September 2017

Ward: High Barnet

Expiry 15th November 2017

Applicant: JLR Barnet

Proposal: Installation of flue and extraction system to rear (north east) elevation

AGENDA ITEM 8

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 552, 554, 141H, 145E, 146G.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The level of noise emitted from the flue hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 4 The flue and associated equipment hereby approved shall not operate before 07:30 or after 19:00 on weekdays, before 08:00 or after 15:00 on Saturdays or at any time on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 5 The flue and extract system hereby approved shall be installed only in accordance with the approved plans, and shall include the mitigation measures set out in the Noise Assessment dated 8 August 2017 and shall be permanently retained as such thereafter.

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is reminded that the existing flue installed at the site does not benefit from planning permission. The existing flue should be removed from the site and the building made good within 1 month of the implementation of this planning permission. Any failure to remove the existing flue may result in enforcement action.

Officer's Assessment

1. Site Description

The application site is a plot of land approximately 0.7ha in area, located to the east of the Chipping Barnet Town Centre. The site contains a car dealership, housed within a new building approved under planning permission 15/01638/FUL.

The site slopes down from front to rear (ie from west to east). The first part of the site has a gentle slope, but further rear slopes down considerably to a lower level some 5 metres below the main site level.

The site is bound by residential dwellings and some office space to the southern boundary (Park Road). To the east are four storey high residential apartment buildings. To the north are a mixture of residential and industrial buildings (at Moxon Street) and to the west are residential and office buildings fronting Victors Way.

2. Site History

17/0919/S73: Variation of condition 1 (Approved Plans) of planning permission 15/01638/FUL dated 15/03/2015 for 'Demolition of existing buildings and erection of new three storey building (comprising lower ground, ground floor and first floor levels) to provide a new car showroom and workshop facilities, with provision of parking spaces to side and front forecourt. Associated refuse and recycle facilities, cycle storage and alterations to hard and soft landscaping.' Amendments include increase to building height, insertion of new external door and alterations to site levels. Approved July 2017.

17/0653/FUL: Provision of a substation, and relocation of waste area to south-east of site with new 2.4m high palisade fence enclosure. Provision of car valeting area, relocation of cycle storage structure and installation of air condensers behind new wall-enclosure to north of site. New lighting details. Approved May 2017.

15/01638/FUL: Demolition of existing buildings and erection of new three storey building (comprising lower ground, ground floor and first floor levels) to provide a new car showroom and workshop facilities, with provision of parking spaces to side and front forecourt. Associated refuse and recycle facilities, cycle storage and alterations to hard and soft landscaping. Approved July 2016.

3. Proposal

This application seeks planning permission for the insertion of an extractor flue to the rear (north east) elevation. The flue is to provide ventilation from the basement workshop area. It would have a maximum height of 4.2 metres, and project approximately 1 metre above the height of the retaining fencing to the car parking area.

4. Public Consultation

Consultation letters were sent to 224 neighbouring properties. A site notice was also displayed. Five responses have been received, comprising five letters of objection.

The objections received can be summarised as follows:

- Have heard the noise emanating from this development and feel strongly that noise levels are unacceptable.
- There are already increased levels of air pollution in the street from cars using the site and the adjacent car park plus never ending stream of cars driving up and down looking for a space to park.

- The flue will add to pollution.
- Previous planning permission and conditions have not been adhered to.
- Car horns are constantly used which causes disturbance, and flue would add to the noise.

Environmental Health - Scientific Services

The submitted noise assessment is adequate, and shows the predicted noise levels will be acceptable subject to the relocation of the flue from its existing location to the proposed location, and the installation of three acoustic attenuators between the internal extraction fan and the external atmospheric termination.

In respect of air quality, the cowl on the flue is a vertical discharge cowl which uses a mechanical exhaust system to provide upward/vertical discharge of fumes, and to protect from rain. No dark smoke was observed from a site visit of the flue in use and there was no evidence of significant amounts of fumes being ejected to the atmosphere from the flue. Cars have less emissions now due to the presence of catalytic converters and filters, so the emissions would be limited.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS8 and CS9.
- Relevant Development Management Policies: DM01, DM02, DM04.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

It is noted that a flue has been installed at the site, to provide ventilation from the basement workshop. However that flue does not benefit from planning permission. The current application involves the installation of a replacement flue in a different location.

The applicant's agent has confirmed that the flue would serve the basement level workshop. The extraction fan itself is mounted at ceiling height within the workshop, and the fan assembly is housed in an acoustic enclosure. The emissions from the flue will comprise both petrol and diesel fumes from cars in the workshop, and would be transferred via internal ducting to the flue.

The flue structure would be relatively small in size, and read against the context and massing of the approved 12 metre high garage. It is not considered that the flue would appear as an overly prominent or dominant feature on the host building, and the flue would not harm the character or appearance of the locality.

The noise attenuators would be internally installed and the submitted noise report predicts that these will ensure no statutory nuisance to neighbours from the noise. In order to ensure this, conditions are attached requiring the new flue to be installed in accordance with the submitted acoustic assessment, and requiring the flue and associated extraction system to be switched off outside of the operational hours of the workshop. Subject to this, the environmental health team have advised that the flue would not have an adverse impact on the amenities of neighbours as a result of any noise or disturbance.

5.4 Response to Public Consultation

The majority of the comments received do not relate to the current flue but relate to previous applications and developments at the site. The merits of the proposed flue are discussed in detail above.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



Location Woodlands Pine Grove London N20 8LB

Reference: 17/5269/HSE

Received: 14th August 2017

AGENDA ITEM 9

Accepted: 5th September 2017

Ward: Totteridge

Expiry 31st October 2017

Applicant: Mr Tejas Somaiya

Proposal: New basement extension under the existing footprint of the property

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 050/A, 011 P2, 010 P2, 021 P1, 012 P2, 002 P1, 100/A P2, 100-1/A, 300/A, 200/A P1, 201/A, 001/P1, 020 P1, 013 P1, 030, 020 P1, 110/A, Basement Construction Method Statement, Arboricultural Survey, and Supplementary Letter Dated 16.11.2017.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD

(adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 5 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution; vibration monitoring including a detailed methodology.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

- 6 The level of noise emitted from the basement plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 7 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 8 The excavation and construction works for the development hereby permitted shall be completed only in accordance with details submitted in the; Arboricultural Survey, supplementary letter dated 16/11/2017, Basement Construction Method Statement and Drawing No. 110/A

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 9 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding

- o Wheel washing
- o Dust suppression methods and kit to be used
- o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- o Confirmation that an asbestos survey has been carried out.
- o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- o Detailed vibration monitoring during any demolition or piling with a full methodology submitted to the LA for approval prior to any works commencing in accordance with condition 5.

- 3 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 4 Consent from Barnet Council's Highways Department should be sought with regards to the on-street parking location for wait and load lorries in accommodating the excavation of spoil for the proposed basement level extension.

Officer's Assessment

1. Site Description

The application site contains a newly renovated semi-detached dwellinghouse. There are trees in and around the site which are subject to tree preservation orders. The site is not within an area of special archaeological interest. The site sits within flood zone 1. The property is not within is not listed, but sits within the Totteridge Conservation Area.

2. Site History

Reference: 15/05339/HSE

Address: Woodlands, Pine Grove, London, N20 8LB

Decision: Withdrawn

Decision Date: 21 October 2015

Description: Demotion and reconstruction of the side extension on the south elevation to form a detached house with a new access door to the rear, new garage to the ground floor front elevation, minor alterations to the front entrance and associated changes to fenestration to the front and rear elevations

Reference: 15/06661/HSE

Address: Woodlands, Pine Grove, London, N20 8LB

Decision: Approved subject to conditions

Decision Date: 23 December 2015

Description: Partial demolition and reconstruction of existing building to form a single detached dwelling. Conversion of habitable space into garage. Alterations to front entrance. Alterations to front and rear fenestration

Reference: 17/5923/HSE

Address: Woodlands, Pine Grove, London, N20 8LB

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Alteration and extension to roof including replacement of existing front and rear dormer windows and insertion of an additional dormer window to rear and raising the ridge height of existing side roof projection. Alterations to the existing windows and doors including replacement of existing ground floor rear bay window. Creation of a new basement level. Alterations to existing terrace including new canopy and creation of a raised patio,

Reference: 17/6963/HSE

Address: Woodlands, Pine Grove, London, N20 8LB

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Extension to roof to facilitate a second floor side/rear extension including replacement of existing front and rear dormers with insertion of 1no additional dormer to rear elevation and removal of 1no existing dormer to front elevation and 1no rooflight to rear elevation. Raising the ridge height of existing side roof projection. First floor side/rear extension. Alterations and replacement of existing windows and doors including replacement of existing ground floor rear bay window and insertion of 1no additional chimney to side elevation. Excavation and creation of basement level with alterations to the existing rear terrace including a new canopy and creation of a raised patio

Reference: B/02800/11

Address: Woodlands, Pine Grove, London, N20 8LB

Decision: Finally Disposed Of

Decision Date: 9 March 2012

Description: Variation of condition 3 (Method Statement - demolition) of planning permission B/01663/10 dated 21/06/10 for 'Partial demolition, alteration, extension and partial reconstruction of existing dwelling house (CONSERVATION AREA CONSENT) to amend the wording of the condition as follows 'Prior to the occupation of the development hereby approved, a method statement outlining full details of the demolition process shall be submitted to and approved in writing by the Local Planning Authority'

Reference: B/02826/11

Address: Woodlands, Pine Grove, London, N20 8LB

Decision: Finally Disposed Of

Decision Date: 9 March 2012

Description: Variation of condition 16 (Method Statement - demolition) of planning permission B/01614/10 dated 21/06/10 for 'Partial demolition, alteration, extension and partial reconstruction of existing dwelling house to amend the wording of the condition as follows 'Prior to the occupation of the development hereby approved, a method statement outlining full details of the demolition process shall be submitted to and approved in writing by the Local Planning Authority'

Reference: B/03078/11

Address: Woodlands, Pine Grove, London, N20 8LB

Decision: Approved

Decision Date: 28 July 2011

Description: Submission of details of condition 3 - Materials (roof tile only) pursuant to planning permission Ref: B/01614/10 dated: 21/6/2010.

Reference: B/03795/10

Address: Woodlands, Pine Grove, London, N20 8LB

Decision: Withdrawn

Decision Date: 30 November 2010

Description: Submission of Details of Condition 3 (Demolition Method Statement) pursuant to Conservation Area Consent: B/01663/10 dated 21/6/2010.

Reference: B/03793/10

Address: Woodlands, Pine Grove, London, N20 8LB

Decision: Approved

Decision Date: 9 December 2010

Description: Submission of details of Conditions 3 (Materials); 4 (Details of Windows); 12 (Construction Management Plan); 14 (Trees - Protective Fencing) and 15 (Method Statement) pursuant to Planning permission: B/01614/10 dated: 21/6/2010.

Reference: B/02521/08

Address: Woodlands, Pine Grove, London, N20 8LB

Decision: Refused

Decision Date: 10 September 2008

Description: Demolition of existing dwelling and erection of new single dwelling with rooms in roof space and basement.

Reference: N02012K/00
Address: Woodlands, Pine Grove, London, N20 8LB
Decision: Approved subject to conditions
Decision Date: 17 April 2000
Description: Erection of pitched roof with dormer windows to front and rear with second floor accommodation within roof space, front porch and elevational changes.

Reference: N02012L/05/TRE_B
Address: Woodlands, Pine Grove, London, N20 8LB
Decision: Refused
Decision Date: 5 December 2005
Description: Pine Tree - To Fell Pine Tree and Treat Stump. T91 of Tree Preservation Order

Reference: B/01663/10
Address: Woodlands, Pine Grove, London, N20 8LB
Decision: Approved subject to conditions
Decision Date: 21 June 2010
Description: Partial demolition, alteration, extension and partial reconstruction of existing dwelling house., , CONSERVATION AREA CONSENT

Reference: B/01614/10
Address: Woodlands, Pine Grove, London, N20 8LB
Decision: Approved subject to conditions
Decision Date: 21 June 2010
Description: Partial demolition, alteration, extension and partial reconstruction of existing dwelling house.

Reference: B/02057/09
Address: Woodlands, Pine Grove, London, N20 8LB
Decision: Refused
Decision Date: 4 August 2009
Description: Demolition of existing semi-detached house and erection of a new detached single family dwelling., Conservation Area Consent

Reference: B/02055/09
Address: Woodlands, Pine Grove, London, N20 8LB
Decision: Refused
Decision Date: 4 August 2009
Description: Demolition of existing semi-detached house and erection of a new detached two storey single family dwelling plus basement and rooms in roofspace.

Reference: N01882D/02/TRE_B
Address: Woodlands, Pine Grove, London, N20 8LB
Decision: Trees: Not to Make TPO
Decision Date: 8 August 2002
Description: 3 x Holly - fell

Reference: N01882C/02/TRE_B
Address: Woodlands, Pine Grove, London, N20 8LB
Decision: Exempt
Decision Date: 4 July 2002

Description: Pine(dead) - fell T80 of TPO - Cedar - remove hanging branches and torn limbs T83 of TPO. 10 x Stumps - grind T84, T85/T86, T87, T88, T89, T90, T92, T93 and T100

Reference: N01882B/02/TRE_B

Address: Woodlands, Pine Grove, London, N20 8LB

Decision: Exempt

Decision Date: 4 July 2002

Description: Laburnum(dead) - remove

3. Proposal

This application seeks planning permission for:

- A new basement level extension under the existing footprint of the property. The proposed basement would have a maximum excavation height of approximately 5.2 metres, a minimum excavation height of approximately 3.9 metres; it would have a maximum internal ceiling height of approximately 4.5 metres, and minimum internal ceiling height of approximately 2.8 metres. The proposed basement extension would have a width of approximately 22 metres; it would have a maximum depth of approximately 12 metres, and a minimum depth of approximately 11.8 metres. The proposed basement extension will contain a gym, a swimming pool area, a cinema, an AV room, a utility room, 2.no plant rooms, and 2.no toilets.

4. Consultation

Consultation letters were sent to 9 neighbouring properties, a site notice and press notice was posted on 14.09.2017, 6.no objections have been received, these can be summarised as:

- Construction noise disturbance
- Increase in traffic during construction
- The Basement Construction Method Statement makes no reference of infiltration and attenuation sustainable urban drainage systems.
- The Basement Construction Method Statement fails to provide sufficient detail on how noise will be monitored to achieve acceptable noise levels.
- The Basement Construction Method Statement fails to provide sufficient detail on how construction of the basement extension will be monitored to avoid structural damage to neighbouring properties.
- Concern over the building and neighbouring buildings being designed to support a basement level extension without causing significant structural damage.

The Totteridge Conservation Area Advisory Committee were consulted, they have requested that a Basement Impact Assessment Report should be provided to assess the hydrogeological and geotechnical impact of the proposed basement construction on the neighbouring properties. The applicant has provided a Basement Construction Method Statement, which provides sufficient assessment of the hydrogeological and geotechnical impact of the proposed basement level extension.

The council's arboricultural consultant was contacted with regard to the impact of the development on protected trees in and around the site. Following amendments to the applicants basement excavation method, they were satisfied that the proposed development would not harm the health of any trees subject to TPOs.

The council's conservation and heritage officer were consulted and raised no objections to the proposed basement extension in principle, but suggested that the applicant should indicate flues on their proposed plans and elevation drawings given that there are numerous amounts of fixed plants associated with the proposed use of the basement. Furthermore, the conservation officer also suggested for the applicant to amend the existing and proposed elevations to provide an outline for the adjoining property at Northfield, as the relationship between the application property and Northfield would be an essential consideration in the development of the site. The applicant has indicated that the proposed basement level would accommodate 2.no boilers, one for heating the entire house, and one for heating the proposed swimming pool both of which would sit below the ground floor garage. The flues would be brought to a grille above the garage entrance door where all exhaust flues and air intake flues would be located, the grille would extend the full length of the garage door. The applicant has amended Drawing No. 100-A, and 200/A to better reflect this. On the basis that this application relates solely to the construction of a proposed basement extension, which would not be visible from, and in relation to Northfield, it is considered that the plans and elevations provided are satisfactory.

The council's Environmental Health department has been consulted on this application; they have raised no objection to the proposed basement extension subject to conditions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016 (MALP)

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Impact on Street scene, Existing Building and Character of the Area:

By virtue of the fact that it would sit within the footprint of the existing dwellinghouse, and the fact that it would not be visible from the exterior of the property, it is considered that the proposed basement extension would not detract from the esteemed character of the application property, and Totteridge Conservation Area. There are few examples of basement extension within this part of the Totteridge Conservation Area, it should be noted that Green Oaks, Pine Grove received planning permission for a basement extension. The proposed basement extension is to be accessed internally, it would not feature any light wells, and is to be artificially illuminated. Given that the proposed basement would not be used as a bedroom, the provision of skylights/light wells are not necessary. Given that the proposed basement level extension would not be externally visible, it is not considered to adversely impact the application property's relationship with the adjoining property, Northfield. The massing of the proposed basement level extension is not considered to be excessive, as it only covers the existing footprint of the host property. It is considered that it would respect the proportions of the existing dwellinghouse. It is considered that the proposed use of the basement would be ancillary to the use of the main dwellinghouse, it would not contrive from the property's use as a single family dwellinghouse.

Impact on Amenity:

Given the fact that the proposed basement level extension would not be visible from the exterior of the property, and does not feature any light wells, and skylights, it is not anticipated to unduly prejudice the residential amenity of any neighbouring occupants.

Impact on TPO Trees:

The council's arboricultural consultant was contacted with regard to the impact of the development on protected trees in and around the site. They identified the protected pine trees beside the highway to front of the site, as particularly susceptible to damage from lorries and large construction vehicles entering/exiting the site to transport and remove spoil to accommodate the excavation for the basement extension. In light of the comments from the arboricultural consultant, the applicant has amended their basement excavation method, adopting a conveyor belt system of moving spoil past the trees into waiting lorries. Timber hoardings are to be erected around trees T13 and T14 to protect their roots, as they sit closest the waiting/loading area for lorries. Upon reviewing the applicant's Arboricultural Survey, supplementary letter dated 16/11/2017, and Proposed Basement Excavation Site Plan (Drawing No. 110/A), they were satisfied that this method would ensure that the protected trees remain unaffected by the proposal.

5.4 Response to Consultation

'Construction noise disturbance' - This is not a material planning consideration

'Increase in traffic during construction' - This is not a material planning consideration

'The Basement Construction Method Statement makes no reference of infiltration and attenuation sustainable urban drainage systems' - Given that the site sits on flood zone 1 it is not anticipated that flooding will be an issue, therefore this is not considered to be necessary.

'The Basement Construction Method Statement fails to provide sufficient detail on how noise will be monitored to achieve acceptable noise levels' - A condition will be imposed to restrict noise from the plants, an additional condition will be imposed for the applicant to

provide details of the noise emissions from the plants. Furthermore, a condition will be imposed for the applicant to provide a demolition and construction method statement which will detail how noise emissions will be minimised during the demolition and construction stages.

'The Basement Construction Method Statement fails to provide sufficient detail on how construction of the basement extension will be monitored to avoid structural damage to neighbouring properties' - structural construction would fall under the remit of building control team

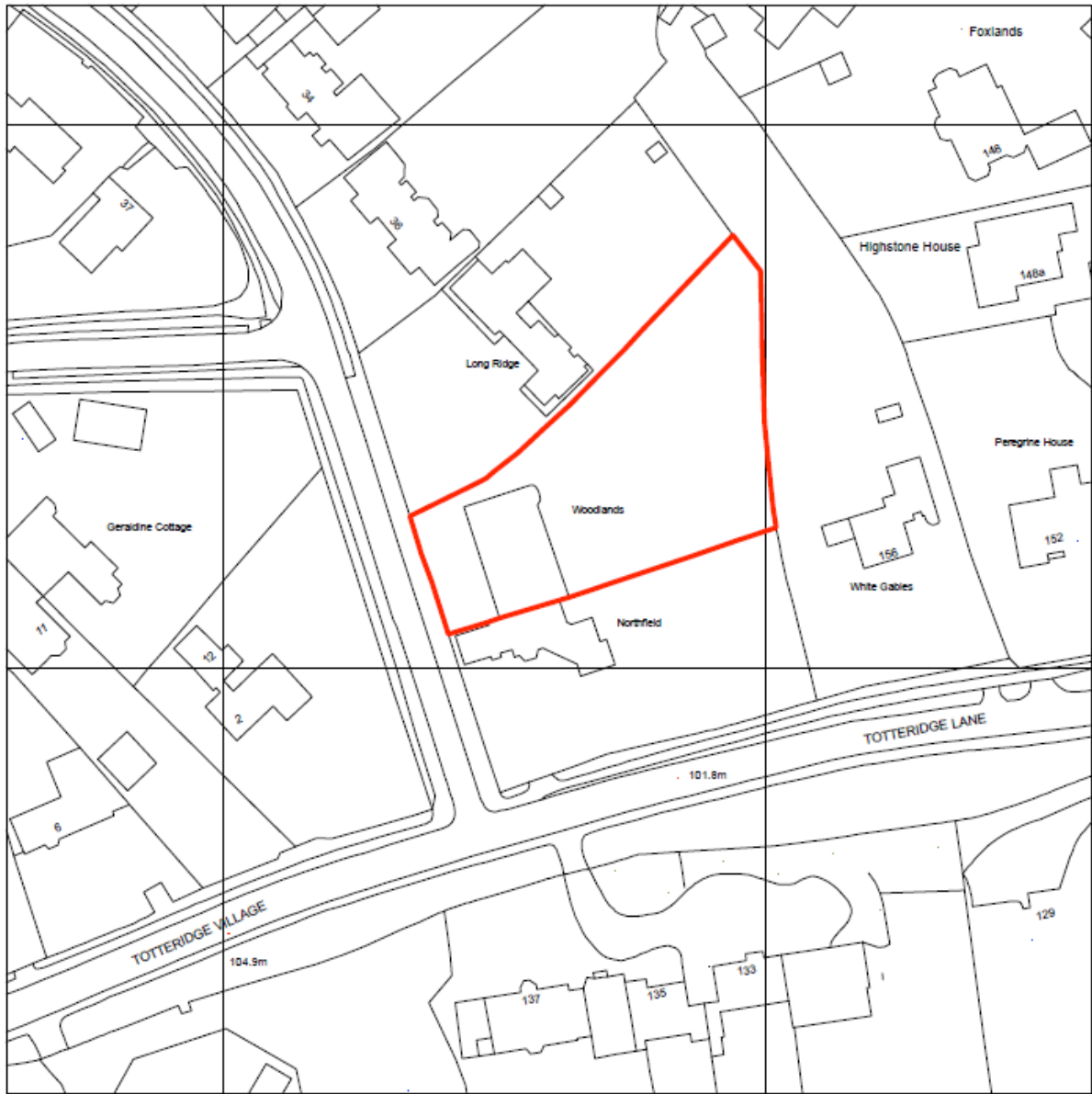
'Concern over the building and neighbouring buildings being designed to support a basement level extension without causing significant structural damage - This is not a material planning consideration' and falls under the remit of building control team

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have a significant adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



(adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The use of the outbuilding hereby permitted shall not be used before 8am or after 7pm on weekdays, or before 9am or after 7pm on Weekends and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 5 The level of noise emitted from the use of the gym within the outbuilding hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description and Background

The application site contains a semi-detached dwellinghouse that is used as a special care home (Class C2).

The Council's records show that the building has been used as a care home since 1966; specifically being an old age care home. It is unknown at what point the home became one for special care; however, this is still within the same class use and therefore a legitimate change.

The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development)(England) Order 2015 as amended) and is not within an area covered by an Article 4 direction.

The site does not benefit from permitted development rights, as it is not used as a C3 Residential Use.

2. Site History

Reference: N00864
Address: 24 Northumberland Road
Decision: Approved subject to conditions
Decision Date: 14 December 1966
Description: Use as old people's home.

Reference: N00864A
Address: 24 Northumberland Road
Decision: Approved subject to conditions
Decision Date: 21 January 1970
Description: Use as Old Persons Home for seven persons.

Reference: N00864C
Address: 24 Northumberland Road
Decision: Approved subject to conditions
Decision Date: 9 May 1973
Description: Use for Old People's Home

Reference: N00864E
Address: 24 Northumberland Road
Decision: Approved subject to conditions
Decision Date: 3 May 1978
Description: Continued use as old people's home.

Reference: N00864F
Address: 24 Northumberland Road
Decision: Approved subject to conditions
Decision Date:
Description: Continued use as old people's home

3. Proposal

The proposal seeks to construct a single storey out building in the rear garden of Courtlands, 24 Northumberland Road. The out building will be located on the southern boundary of the host site, with a length of 10 metres, a depth of 4 metres and a will have a flat roof with a maximum height of 2.5 metres above natural ground at the boundary.

The outbuilding is to be used as an office and gym space associated with the care home that operates within the main building.

4. Public Consultation

Consultation letters were sent to 25 neighbouring properties.

6 responses have been received within 1 letter of objection. Furthermore, the application has been called in by Councillor Stephen Sowerby.

The objections received can be summarised as follows:

- The location of a potentially noisy and commercial gym on the boundary shared with smaller residential properties, where there will be only 7 metres of separation from the closest adjoining dwellinghouse and the proposed outbuilding.
- The facility could be accommodated in a sound-proofed garage or an outbuilding in the centre of the extensive grounds where it might cause less disturbance to neighbours.
- Concerned about the noise impact of this activity; not aware of sound proofing requirements and are concerned that windows and doors will be left open particularly in summer, resulting in noise emanating from the building towards adjoining properties.
- Setting controls on the noise levels and times of use could be hard to enforce.
- A commercial and permanent outbuilding will be oppressive, overbearing and will result in an unacceptable sense of enclosure on adjoining properties.
- The proposal pays no regard to the existence of the adjoining garden/amenity spaces and homes in Farnham Close.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04

The Council's approach to outbuildings as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM04 states the Council's approach to environmental considerations for new developments. This includes ensuring that where an activity may generate unacceptable levels of noise, measures be put in place to mitigate the harm that the activity may have on the surrounding noise-sensitive activities.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

The guidance states that, in general, rear garden walls and fences should not exceed 2 metres to protect views and daylight. The same principles apply to the design of back garden buildings as to rear extensions:

- they should not unduly over-shadow neighbouring properties
- they should not be too large or significantly reduce the size of a garden so as to become out of character with the area
- they should not unduly affect outlook from an adjoining property's habitable rooms or principal garden areas
- their design and materials should be in harmony with the surrounding area.

Proposals should consider location of garden buildings such as sheds and greenhouses so that they minimise the impact on neighbouring properties. Garden buildings should be located to the rear of properties. The building materials used should respect the existing buildings and the overall character of the area. Garden buildings should minimise any impact on trees.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

Residential Amenity

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The proposed outbuilding is residential in scale; with a maximum height of 2.5 metres the structure will sit level with the boundary fence to the south due to the difference in levels in the property that is demonstrated by the existing raised planter along the southern boundary.

Properties at 22 and 26 Northumberland Road have a similar site layout and length to the host site, and the dwellinghouses on these properties will be removed from the proposed outbuilding and associated facilities by at least 30 metres. The adjoining garden spaces within these properties are located at a similar level to the ground level of the host site and therefore will experience the actual height of 2.5 metres; however, in using the residential design guidance SPD as a guide as an acceptable level of building development, the proposed outbuilding is considered to be within the bounds of what is considered to be generally acceptable for an outbuilding.

The properties to the south of the subject site, being 8, 9 and 10 Farnham Close, are located at a ground level that is level with the existing raised planter on the host site, and therefore approximately 0.5 metres above the lower ground level of the site on which the outbuilding will be constructed. For this reason, although the outbuilding will occupy the majority of the southern boundary of the host site, the height of this being only 2.5 metres, it is unlikely to project above the height of the existing boundary fence.

Although the matter of the scale of the building is considered to be acceptable through an assessment against the residential design guidance SPD, as this document is directed at buildings used for C3 residential purposes, the matter of the actual use of the proposed outbuilding and the appropriateness of this still remains.

The use of the outbuilding as an office and gym with an associated bathroom facility will be ancillary to the existing C2 use of the main building on the host site, stressing that the operation of the gym within this building will not be commercial in nature.

With regards to potential noise impact resulting from the gym, it is noted that the outbuilding only has windows and a door on the northern elevation facing the existing property. This design will reduce any potential adverse noise impact that could be experienced by the properties to the south as the noise will naturally emanate towards the main building on the host site. Furthermore, the scale of the use of the outbuilding is not considered to be of a level that would adversely impact the adjoining properties to the east and west; it is shown to have two treadmills and two cycle machines and therefore will have a maximum of 4 gym users at any one time, with at least one member of staff but likely two with one in the office and one supervising. In terms of noise impact, it is important to again emphasise that this is not a commercial activity and it is not expected that there would be loud music or machinery above what could be used in the outbuilding associated with a C3 use. Irrespective of this, it is considered a reasonable approach to restrict both the level of noise from the outbuilding and the hours of operation within the building to address any potential adverse impact associated with noise. Conditions to this effect have been recommended.

Based on the above assessment, the impact of the proposed outbuilding and its associated activity on the residential amenity of adjoining properties is considered to be acceptable.

Character and Street Scene

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

The proposed outbuilding, as previously discussed is residential in scale and has been designed in accordance with the guidelines of the Residential Design SPD. Furthermore, the property to the east has a rear outbuilding that is similar in scale to the proposed outbuilding. For these reasons, the outbuilding is considered to be within the character of the surrounding residential environment.

The outbuilding will not be visible from the streetscape and therefore will have no impact on the character and amenity of the public street scene.

For the above reasons the impact of the proposal on the character of the surrounding environment and the street scene will be minimal.

5.4 Response to Public Consultation

In addition to the above planning analysis, the following comments are made in respect to the matters raised by objections received:

- The location of a potentially noisy and commercial gym on the boundary shared with smaller residential properties, where there will be only 7 metres of separation from the closest adjoining dwellinghouse and the proposed outbuilding.

- A commercial and permanent outbuilding will be oppressive, overbearing and will result in an unacceptable sense of enclosure on adjoining properties.

With regards to the above two comments, although the properties to the south have much shallower rear gardens to the subject site and the properties to the east and west, the separation distance in addition to the difference in levels is considered to mitigate any potential adverse harm on the residential amenity of these properties, including potential sense of enclosure and dominance. Furthermore, as mentioned previously in this report, the proposed outbuilding is in accordance with the Residential Design SPD.

Furthermore, the outbuilding is to be used as ancillary to the care home (C2 use) and is not considered to fall within a commercial activity use class.

- The facility could be accommodated in a sound-proofed garage or an outbuilding in the centre of the extensive grounds where it might cause less disturbance to neighbours.

The application is for the construction of an outbuilding in the given location and to be used for the purposes detailed. For the reasons that have been detailed through the above planning analysis, the proposed location is considered to be acceptable. Additionally, in order for the site to function securely, it is best that blind areas of the garden are not created; this would be done if the outbuilding were located more centrally within the rear garden.

- Concerned about the noise impact of this activity; not aware of sound proofing requirements and are concerned that windows and doors will be left open particularly in summer, resulting in noise emanating from the building towards adjoining properties.

This has been addressed in the above planning analysis; however, it is emphasised that conditions are recommended to control hours of use and noise levels are to be in accordance with the standard residential levels.

- The proposal pays no regard to the existence of the adjoining garden/amenity spaces and homes in Farnham Close.

The set down of the outbuilding at a lower ground level to these properties mitigates any potential harm to the residential amenity of these properties with respect to any dominance, loss of privacy or a sense of overlooking and the lack of fenestration on the side and rear elevations will mitigate noise impact on these properties. Although the outbuilding is to be located in close proximity to these properties to the south, this is not considered to be unacceptable due to the scale of both the activity and the building itself.

6. Equality and Diversity Issues

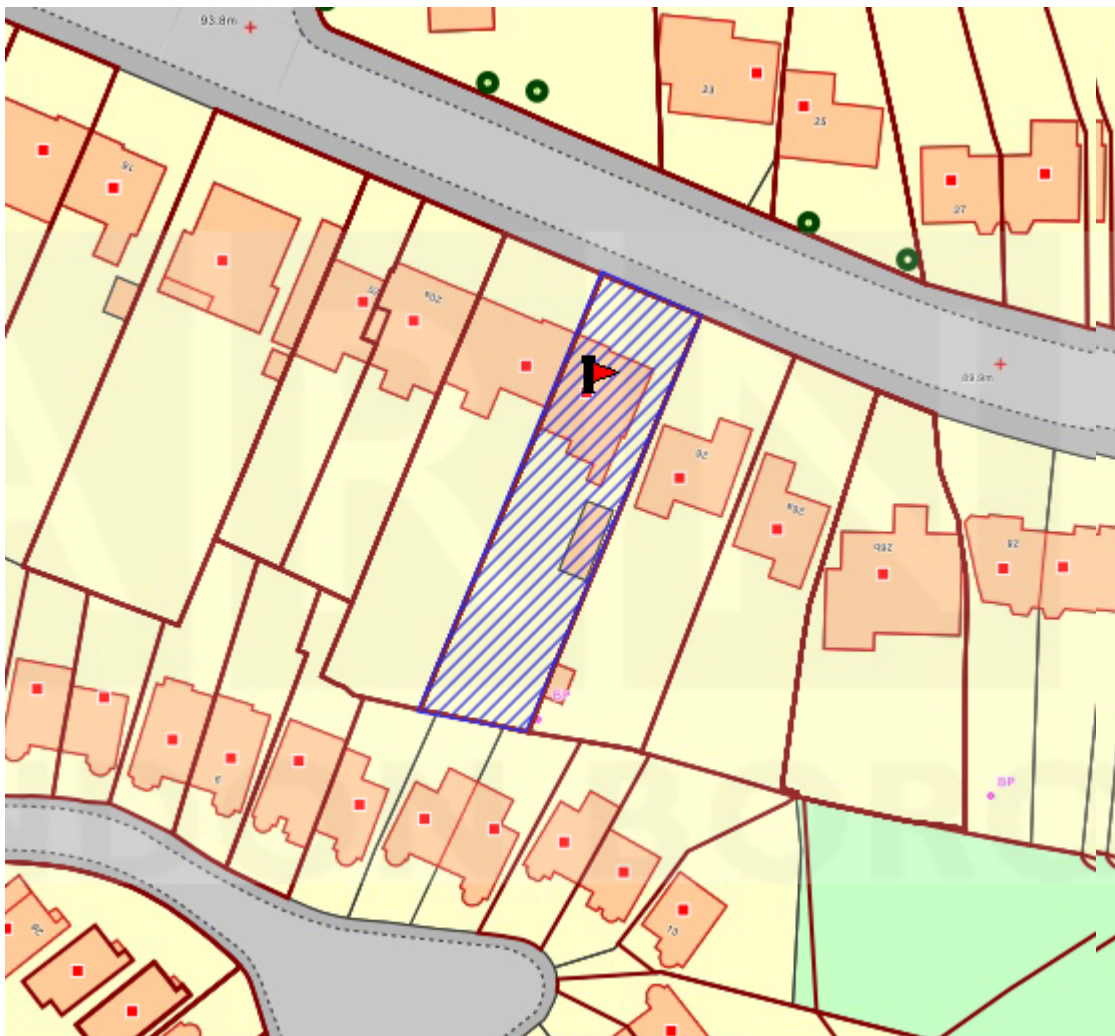
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

The proposal is to provide a safe and secure gym facility for the users/residents of Courtlands. Given that the main building is used for special care purposes, it is considered

that providing such a facility that will increase the quality of life and experience of the care facility for the users is in accordance with Barnet Council's equality scheme.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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Location 155 And 157 Chanctonbury Way London N12 7AE

Reference: 17/6065/HSE

Received: 25th September 2017

Accepted: 25th September 2017

Ward: Totteridge

Expiry 20th November 2017

Applicant: Mr And Mrs Scott And Mr And Mrs Rusta

Proposal:

Part single, part two storey side and rear extension following demolition of existing attached garage. Extension to roof including hip to gable end, 1no rear dormer window and 2no roof lights to front elevation. Basement excavation below footprint of ground floor. Associated changes to windows and door including relocation of front entrance to 155 Chanctonbury Avenue. Part single-part two-storey side and rear extension following demolition of existing side/rear extension and garage. Association changes to windows and door including relocation of front entrance to 157 Chanctonbury Avenue

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

PA_001 Rev A (received 17/11/2017)

PA_002 (received 17/11/2017)

PA_003 (received 17/11/2017)

PA_004 (received 17/11/2017)

PA_005 (received 17/11/2017)

PA_006 Rev A (received 17/11/2017)

PA_007 (received 17/11/2017)

PA_008 Rev A (received 17/11/2017)

PA_009 (received 17/11/2017)

PA_010 Rev A (received 17/11/2017)

PA_011 (received 17/11/2017)

PA_012 Rev A (received 17/11/2017)

PA_013 Rev A (received 17/11/2017)

PA_014 Rev A (received 17/11/2017)

PA_015 (received 17/11/2017)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 5 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy 5.21 of the London Plan (2016).

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations elevation(s), of the extension(s) hereby approved, facing No.153 and No.159 Chanctonbury Way.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 7 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No.153 and No.159 Chanctonbury Way shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 8 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 9 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site involves a pair of semi-detached properties located at No.155 and No.157 Chanctonbury Way. The properties are located towards the head of a cul-de-sac where the dwellings are set in relatively spacious plots. It is noted that the local street scene character is dominated by two storey semi-detached properties. Notwithstanding this, the properties appear to vary in terms of form, character and appearance.

The properties do not fall within a conservation area and are not listed building. There are no tree preservation orders on site.

To the north lies the Folly Brook, a tributary to the Dollis Brook. It is acknowledged that the properties do not fall within a Flood Risk Zone.

2. Site History

Reference: 17/0497/HSE

Address: 155 and 157 Chanctonbury Way, London, N12 7AE

Decision: Refused

Decision Date: 12 April 2017

Description: Part single, part two storey side and rear extension following demolition of existing attached garage. Extension to roof including hip to gable end, 1no rear dormer window and 2no roof lights to front elevation. Associated changes to windows and door including relocation of front entrance to 155 Chanctonbury Avenue. Part single-part two-storey side and rear extension following demolition of existing side/rear extension and garage. Association changes to windows and door including relocation of front entrance to 157 Chanctonbury Avenue

Appeal Reference: APP/N5090/D/17/3177417

Address: 155 and 157 Chanctonbury Way, London, N12 7AE

Decision: Appeal Allowed

Date: 8 September 2017

Reference: 17/2939/HSE

Address: 155 and 157 Chanctonbury Way, London, N12 7AE

Decision: Approved subject to conditions

Decision Date: 30 June 2017

Description: Part single, part two storey side and rear extension following demolition of existing attached garage. Extension to roof including hip to gable end, 1no rear dormer window and 2no roof lights to front elevation. Associated changes to windows and door including relocation of front entrance to 155 Chanctonbury Avenue. Part single-part two-storey side and rear extension following demolition of existing side/rear extension and garage. Association changes to windows and door including relocation of front entrance to 157 Chanctonbury Avenue

3. Proposal

This proposal is for a joint application.

No.155 Chanctonbury Way- Part single, part two storey side and rear extension following the demolition of an existing attached garage. Extension of roof including hip to gable end, 1no rear dormer window and 2no roof lights to the front elevation. Associated changes to windows and relocation of front entrance. Basement excavation below footprint of proposed ground floor.

No.157 Chanctonbury Way- Part single, part two storey side and rear extension following the demolition of an existing side/rear extension and garage. Associated changes to windows and relocation of front entrance.

Extensions at No.155 Chanctonbury Way will measure as follows:

- Single storey side extension measuring 14 metres in depth and 3.2 metres in width. Towards the rear elevation, the side extension will extend a further 2 metres in width to then wrap-around with the proposed single storey rear extensions.
- Single storey rear extension measuring 5 metres in depth, 11.55 metres in width, and a maximum height of 3.12 metres (3.5 metres including roof lights.)
- First floor side extension measuring 9.8 metres in depth, 3.2 metres in width. The extension will be set back by 1 metre from the front elevation and will be set down from the main ridge by 0.52 metres.
- First floor rear extension measuring 3 metres in depth and 9.56 metres in width.
- Hip to gable conversion
- Rear dormer window measuring 2.6 in width, 1.3 metres in height and 1.9 metres in depth.
- Basement extension measuring 14 metres in depth, a minimum of 9.57 metres in width and a maximum of 11.55 metres in width. The basement will serve a gym and utility room. 2no lightwells have been proposed to the side elevation facing No.153 Chanctonbury Way. The lightwells will measure 1000mm x 2000mm and will be flush at ground level.

Extensions at No.157 Chanctonbury Way will measure as follows:

- Single storey side extension measuring 12.82 metres in depth and 2.66 metres in width. Towards the rear elevation, the side extension will extend a further 2 metres in width to then wrap-around with the proposed single storey rear extensions.
- Single storey rear extension measuring 5 metres in depth, 11.08 metres in width, and 3.12 metres in maximum height.
- First floor side extension measuring 9.89 metres in depth and 2.66 metres in width. The extension has been set back from the front elevation by a minimum of 1 metre and has been set down from the main ridge. The extension will have a minimum set back of 1.33 metres to the neighbouring boundary at No.159 Chanctonbury Way, and a maximum set back of 4 metres.
- First floor rear extension measuring 3 metres in depth and 9.07 metres in width.

4. Public Consultation

Consultation letters were sent to 11 neighbouring properties.
8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment of a suburban street
- Basement excavation could lead to potential flooding
- Poor form of development of the site
- Harmful to the character and appearance of the original buildings,
- Effect of water runoff
- Proposal would set a precedent
- Basement not subject to a hydrological investigation
- Not consulted for the application.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

The application seeks planning permission for a series of works to be undertaken at No.155 and No.157 Chanctonbury Way. It is noted that the properties benefit from planning history relating to most of the currently proposed extensions. The first application, under reference 17/0497/HSE, sought planning permission for 'Part single, part two storey side and rear extension following demolition of existing attached garage. Extension to roof including hip to gable end, 1no rear dormer window and 2no roof lights to

front elevation. Associated changes to windows and door including relocation of front entrance to 155 Chanctonbury Avenue. Part single-part two-storey side and rear extension following demolition of existing side/rear extension and garage. Association changes to windows and door including relocation of front entrance to 157 Chanctonbury Avenue.'

The application was refused planning permission as it was considered that the proposed rear/side extensions, as well as the rear dormers, by reason of their siting, excessive bulk, massing, and design, would fail to be subordinate towards the existing dwellings and would cumulatively constitute disproportionate and incongruous additions to the existing dwelling houses.

The application was subsequently allowed at appeal APP/N5090/D/17/3177417. It was considered by the Planning Inspector that the proposed roofs to the extensions would sit lower than the roofs of the existing dwelling, with parts of the extensions benefitting from setbacks from the main front elevations. It was therefore considered by the Planning Inspector that, when viewed from the road, the proposed extensions to both No.155 and No.157 Chanctonbury Way would appear subordinate to the appeal dwellings and would not appear out of place with regards to the established local character.

The Inspector's comments continued to address the relatively moderate impact of the proposal towards the rear elevation of the appeal site stating that "...although large, the extensions would be set down from the main roof ridges and would incorporate various changes in depth. I find the proposed extensions would not appear bulky or dominant. Furthermore the proposed rear extensions would only be visible from the rear gardens of the appeal dwellings and the immediate neighbouring dwellings such that they would not be overly prominent."

It was therefore considered that the extensions would not harm the character and appearance of the area or the host properties.

Notwithstanding the above, prior to the appeal decision, a second planning application, with reference 17/2939/HSE, was granted planning permission for a 'Part single, part two storey side and rear extension following demolition of existing attached garage. Extension to roof including hip to gable end, 1no rear dormer window and 2no roof lights to front elevation. Associated changes to windows and door including relocation of front entrance to 155 Chanctonbury Avenue. Part single-part two-storey side and rear extension following demolition of existing side/rear extension and garage. Association changes to windows and door including relocation of front entrance to 157 Chanctonbury Avenue'.

It is therefore noted that elements of the current proposal have previously been assessed and approved by the Local Planning Authority. The main addition to the current application is the proposed basement extension at No.155 Chanctonbury Way.

Basement Extension

The Council's Residential Guidance states that proposed basement extensions are normally allowed when the extension does not project further than 3 metres in depth from the rear wall of a house. Furthermore, all rooms within a basement should be able to function properly for the purpose intended. They should be of an adequate size and shape and receive natural lighting and ventilation. All habitable rooms within a basement accommodation should have minimum headroom of 2.5 metres.

It is noted that the basement extension relates to No.155 Chanctonbury Way only. In this instance, the proposed basement will extend the full footprint of the proposed property at

ground floor. Whilst it is acknowledged that the basement will be a large addition to the host property, it is not considered that the proposal would impact on the character of the No.155 and the local vicinity. Furthermore, whilst it is also acknowledged that the property sits in close proximity to Folly Brook, it falls on land classified as Flood Risk Zone 1 and is therefore not in a flood risk zone.

The proposed basement extension will not project past the front, side, and rear elevations of the host property and therefore no visual manifestation will occur. Two light-wells have been proposed at ground floor on the side elevation facing No.153 Chanctonbury Way. The light-wells will be flush and therefore are not considered to materially impact on the character of the property and the local area.

In this instance, the proposed basement extension will allow for a gym and utility room. The submitted plan PA_015 suggests that the proposed head height will be 2.6 metres. It is therefore considered that the proposed extension will adequately serve future occupiers.

A condition has been attached requiring the provision of a Demolition and Construction Method Statement in order to ensure the implementation of the works is carried out in such a way as to minimise adverse impacts on neighbouring residents and the local area.

Single Storey Rear Extension

The proposed single storey rear extension will not differ from the previously granted application 17/2939/HSE. The rear elements will measure 5 metres in depth from the original rear wall and would extend 22.78 metres across both properties. It is noted that the proposed width would slightly increase from 22.6 metres, approved under 17/2939/HSE. Notwithstanding this, it is not considered that the additional width will materially impact on the character of the property. Adequate and sufficient distance will be kept to the neighbouring boundaries and therefore, it is not considered that the ground floor rear elements would materially impact on the neighbour visual and residential amenities.

The Council's Residential Design Guidance states that single storey rear extensions on semi-detached properties should generally not exceed 3.5 metres in depth. Whilst it is acknowledged that the proposal does not comply with the above guidance, it was previously assessed and considered that such extensions would not impact on the character of the properties or the neighbouring visual and residential amenity. The rear extensions at ground floor are therefore considered acceptable.

Single Storey Side Extensions

The Council's Residential design Guidance states that single storey side extensions should generally not exceed half the width of the original property and should appear as subordinate additions.

As per the ground floor rear extensions, the proposed single storey extensions at No.155 and No.157 would not differ from the proposals approved under application 17/2939/HSE. Whilst it is noted that the wrap-around elements of the side extensions will exceed half the width of the original property, it has been previously determined that the proposals would not materially impact on the character of the two properties and the neighbouring visual and residential amenities.

The property at No.155 will further benefit from 2no light wells serving the proposed basement. The light-wells have been located on the side elevation facing the neighbouring property at No.153 Chanctonbury Way. It is noted that the light-wells will not result in any visual manifestation as they have been proposed as flush elements. It is therefore considered that, on balance, the proposed works at ground floor will not harmfully impact on the character and appearance of the host properties, the local street scene, and neighbouring amenity.

First Floor Side Extensions

The Council's Residential Design Guidance states that first floor side extensions should generally not exceed half the width of the original property, should be set back from the front elevation by a minimum of 1 metre, and should be set down from the main ridge by a minimum of 0.5 metres. Furthermore, first floor side extensions should ensure that a minimum gap of 2 metres is maintained to the neighbouring flank wall at first floor (i.e. a minimum of 1 metre set back from the boundary line.)

It is noted that the proposed first floor side extension at both No.155 and No.157 will not differ from the proposal approved under planning reference 17/2939/HSE.

The previous planning permission stated that the proposed first floor side extensions at No.155 and No.157 measured 10.9 metres each in depth. For clarity, it is noted that the first floor sections of the side elements project 9.86 metres at No.155 and 9.89 metres at No.157 Chanctonbury Way.

On balance, it is considered that the proposed first floor side extension will comply with the above guidance as both elements have been set back from the front elevation by 1 metre and have been set down from the main ridge. Furthermore, the side extension at No.155 will be set in from the boundary with No.153 by a minimum of approximately 4.3 metres. On the other side, No.157 will benefit from a minimum set back of 1.3 metres and a maximum set back of 4 metres from the boundary with No.159 Chanctonbury Way.

It is noted that the side extensions at first floor match the same depth and design as the extensions proposed under planning application 17/0497/HSE. As per the Inspector's comments, at Appeal APP/N5090/D/17/3177417, it is not considered that the proposed first floor side extensions at No.155 and No.157 will materially impact on the character of the two host properties. The extensions have been adequately set back and set down and will thus appear as subordinate and sympathetic additions when viewed from the local street scene.

On balance, the proposed first floor side extensions are considered as acceptable, subordinate and sympathetic additions to the host properties.

First Floor Rear Extensions

It is noted that following the approved application 17/2939/HSE, as well as the allowed appeal for application 17/0497/HSE, the properties benefit from planning permission for a couple of different designs at first floor.

The current proposal, 166065/HSE, seeks planning permission for a first floor rear extension which would project 3 metres in depth past the original rear wall. The rear element would then extend the full width of the two properties at first floor, resulting in a

width of 18.71 metres. The rear element will project past the original rear wall as well as the proposed first floor side extensions at both properties.

The current proposal differs from the previously approved application 17/2939/HSE where the first floor rear element was proposed as two separate extensions measuring 6.3 metres in width. The extensions further benefitted from a gap of 6 metres separating them and thus allowing for a subordinate and sympathetic appearance. It is noted that the first floor rear extensions, approved under the above application, projected past the proposed first floor side extensions and extended all the way to side flank of the proposed first floor side extensions.

Taking into consideration the above, the first planning application 17/0497/HSE, which was allowed at appeal, proposed two first floor rear extensions which would extend approximately 15.64 metres in width and would be attached along the boundary between No.155 and No.157. The rear extensions were set-in from the side flank of the proposed side extensions but still partially projected from them.

Overall, it is considered that the current proposal seeks to integrate the two designs in order to allow for a first floor rear extension which would project from both the first floor side extension and original rear elevation, and would extend the full width of the proposed properties.

As stated previously, it was considered by the Planning Inspector that, whilst the extensions to the rear would result as large additions, they would not result in material harm to the host properties as well as the neighbouring amenity. The host properties sit at an angle to the neighbouring detached properties at No.153 and No.159 Chanctonbury Way and adequate distance would be maintained to the neighbouring boundary lines.

It is therefore considered that, on balance, the proposed first floor rear extension will not materially impact on the character of the host property, the local area, and the neighbouring visual and residential amenity.

Loft Conversion

Barnet's Residential Design Guidance (2016) outlines that hip to gable extensions should not unbalance a pair of semi-detached properties or appear out of character of the streetscape. It is noted that No.157 has already undergone a hip to gable extension, it is therefore considered that the proposal for No.155 to have a hip to gable roof extension would re-balance the pair of semi-detached properties in this respect and would not unduly harm the character of the properties and the character of the street.

Barnet's Residential Design Guidance (2016) outlines that dormer windows should reflect the style and proportion of windows to the existing house and be sympathetic and subordinate in the roof slope occupying no more than half the width or half the depth of the roof slope.

The proposed roof dormer at No.155 would measure 2.6 metres in width, 1.3 metres in height and 1.9 metres in depth. To clarify, the previously approved application 17/2939/HSE states that the proposed dormer would benefit from a height of 1.2 metres. Following a further review of the previous proposal it is acknowledged that the dormer did measure 1.3 metres rather than 1.2 metres.

The host property at No.157 benefits from a full width dormer. There is no planning history on record of this development and it is assumed it was built under permitted development.

The proposed dormer was previously considered to comply with the Council's guidance and considered as a subordinate feature to No.155.

It is considered that the proposed roof extension and rear dormer will not change from the previously approved planning application. Given their scale and relationship with the neighbouring buildings, the proposed works at loft level would not appear overbearing or visually intrusive when viewed from the neighbouring buildings. With regards to the dormer and its location, it is not considered to have a detrimental impact on the amenities of the neighbouring occupiers in terms of overlooking or loss of privacy.

5.4 Response to Public Consultation

Comments have been received following public consultations. Concerns were addressed towards a potential overdevelopment of the host sites and the wider impact towards the local area. It is noted that the 'surface extensions' that have been proposed conform to the extension previously approved under application 17/2939/HSE as well as appeal decision APP/N5090/D/17/3177417. It was therefore already assessed by the Planning Department as well as the Planning Inspectorate that the proposal would not constitute a material overdevelopment of the site materially harmful to the character of the properties and the local street scene.

Whilst it is noted that the proposed basement exceeds the general allowances under the Council's design guidance, the proposed element will be situated directly under the proposed footprint of the property and would benefit from 2no moderate light wells. No material visual manifestation would occur.

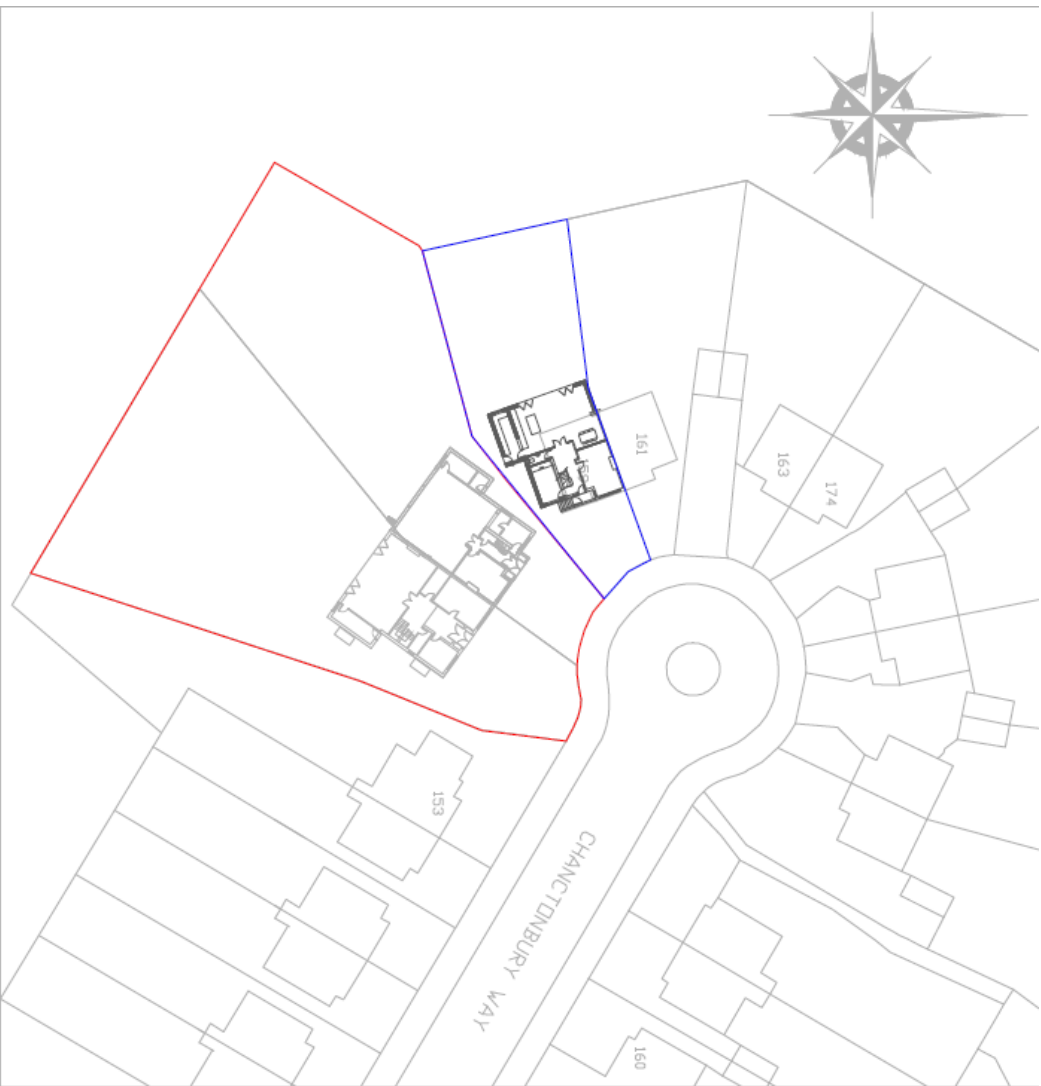
Further comments addressed the impact of the proposed basement on surface water runoff and potential flooding risks. It is noted that whilst the properties sits within the vicinity of the Folly Brook, they fall under Flood Risk Zone 1. It is therefore not considered that flooding issues would result from the proposed extension. The construction and drainage related to the construction of the basement are matters that will be considered under the Building Regulations.

6. Equality and Diversity Issues

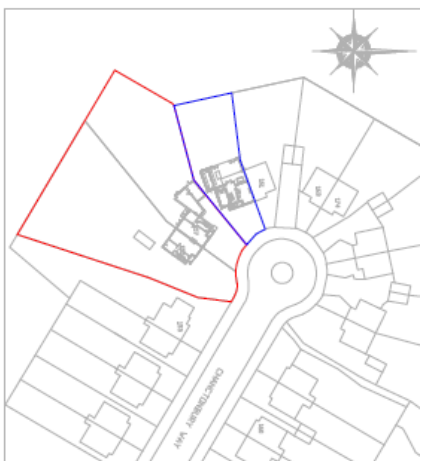
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

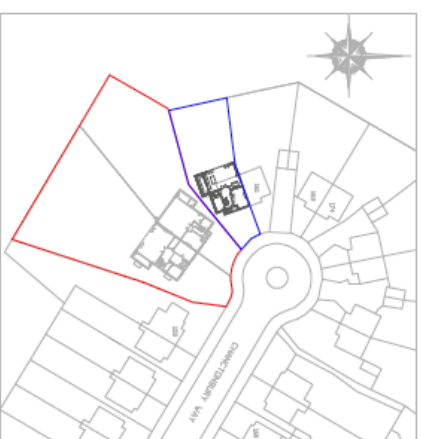
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



01 Block Plan Proposed
SCALE 1:300 @ A3



02 Location Plan Existing
SCALE 1:1250 @ A3



03 Location Plan Proposed
SCALE 1:1250 @ A3

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Location 1 Sussex Ring London N12 7HY

Reference: 17/3180/S73

Received: 17th May 2017

Accepted: 17th May 2017

Ward: Totteridge

Expiry 12th July 2017

Applicant: tomer vanunu

Proposal: Variation to condition 4 (Trading hours) and condition 6 (Use of extraction equipment) pursuant to planning permission B/00095/13 dated 12.7.13 for "Change of use from A1 use to A3 use (bakery) and installation of flue to rear elevation". Variation include increase trading hours with extractor use

AGENDA ITEM 12

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan, existing and proposed plans (received 2 January 2013)
Covering letter from GP Retail Services Ltd and specification for extraction fan and carbon filter (received 24 January 2013)
Covering letter from GP Retail Services Ltd and plans of extraction equipment (Drawing FA.FEB.2013-218-A and 219-A (received 28 February 2013)
Covering letter dated 15 June 2013, and plans and specification of silencer equipment (received 19 June 2013)
Email from the applicant's agent dated 23 January 2013
Emails from the applicant dated 19 June 2013, 20 June 2013
Odour and Additional Noise Report dated September 2017

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 The level of noise emitted from the ventilation and extraction plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 3 The level of noise emitted from the extraction and ventilation equipment hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 4 The use hereby permitted shall not be open to customers before 8:00am or after 8:00pm on Mondays to Saturdays or before 8.00am or after 7.00pm on Sundays and bank and public holidays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties, in accordance with Policies DM01 and DM04 of the Development Management Policies DPD.

- 5 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 9:30am or after 4:30pm on any other day.

Reason:

To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

- 6 The extraction and fan equipment hereby permitted shall not be operated before 8:00am or after 8:00pm on Mondays to Saturdays or before 8.00am or after 7.00pm on Sundays and bank and public holidays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties, in accordance with policies DM01 and DM04 of the Development Management Policies DPD.

- 7 The extraction equipment and associated filters and silencing equipment shall be maintained in accordance with the recommendations set out in the 'Odour and Additional Noise Report' dated September 2017.

Reason: In order to protect the amenities of the occupants of neighbouring properties, in accordance with policies DM01 and DM04 of the Development Management Policies DPD.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that this grant of planning permission does not infer or imply the right to undertake any works on land outside the applicant's ownership or control. The applicant should therefore ensure that consent is obtained from any landowners prior to any works taking place on their land.

Officer's Assessment

1. Site Description

The application site is located on the western side of Sussex Ring. Sussex Ring is a crossroad junction, with the western side comprising retail premises, and the eastern side residential premises. The area in the vicinity of the site is residential with the nearest neighbouring residents being above the shops along this shopping parade and to the rear of the site along Lullington Garth.

2. Site History

Reference: 15/02651/S73

Address: 1 Sussex Ring, London, N12 7HY

Decision: Refused

Decision Date: 24 June 2015

Description: Variation to condition 4 (Trading hours) and condition 6 (Use of extraction equipment) pursuant to planning permission B/00095/13 dated 12.7.13 for "Change of use from A1 use to A3 use (bakery) and installation of flue to rear elevation". Variation include increase trading hours with extractor use

Reference: B/00095/13

Address: 1 Sussex Ring, London, N12 7HY

Decision: Approved subject to conditions

Decision Date: 12 July 2013

Description: Change of use from A1 use to A3 use (bakery) and installation of flue to rear elevation

3. Proposal

This application proposes the variation to Conditions 4 (Trading hours) and 6 (Use of extraction fan) pursuant to Planning Permission B/00095/13, dated 12/07/2013. Under the original application (B/00095/13), the site was restricted to opening (to members of the public) at the following times though Condition 4:

Monday - Friday: 08:00 to 18:00

Saturday - 09:00 to 18:00

Sunday - 10:00 to 17:00.

On bank and public holidays, the site was restricted to operating on Sunday working hours.

Condition 6 also limited the use of the extraction equipment (the fan and the flue) to the times prescribed above. The only difference between the opening hours and the use of the extraction equipment is that the extraction facilities were not to be used on Sundays or public/bank holidays. The extraction equipment is located to the rear of the host site and is therefore not visible from the main highway of Sussex Ring.

This application originally sought to vary the above conditions in the following manner:

- Vary Condition 4 to allow for the site to be open to the public Monday through Sunday between 08:00-21:00 on the provision that no outdoor seating will be used by the public after 20:00.
- Vary Condition 6 to allow for the site to use the extraction equipment Monday through Sunday between the hours of 08:00-21:00.

However, given the close proximity of the premises to residential properties and given the character of this particular parade of shops, following discussion with officers, the application has been amended to propose the following hours:

- Vary Condition 4 to allow for the site to be open to the public Monday through Saturday between 08:00-20:00 and Sunday between 0800 - 1900.
- Vary Condition 6 to allow for the site to use the extraction equipment Monday through Saturday between 08:00-20:00 and Sunday between 0800 - 1900.

In summary this application seeks to vary the 2 conditions in the manner prescribed above. As such, aside from the increased trading hours and the increased hours of use for the extraction equipment, there would be no other changes between the proposal put forward under this application and the application approved under Barnet Planning Reference B/00095/13.

4. Public Consultation

Consultation letters were sent to 50 neighbouring properties.

6 responses have been received, comprising 5 letters of objection and 1 letter of support.

Environmental Health officers requested an Odour and Noise Assessment to be submitted. Further consultation was undertaken following receipt of this report.

The objections received can be summarised as follows:

- Concerns that the extraction equipment will not comply with permitted noise levels and that in conjunction with the noise from No. 3 Sussex Ring would cause impact to the amenities of the neighbouring residential sites.
- Concerns that the increased hours will allow the smell of food to affect residential properties to an increased level for prolonged periods of time thus affecting the ability of local residents to enjoy their outdoor amenity space in the summer period.
- Concerns that the increased hours would lead to increase littering even with the restrictions on outdoor seating after 20:00.
- Concerns that the additional opening hours could lead to increase levels of vermin in the surrounding vicinity as the proposal does not compensate for an increased level of food waste.
- Concerns that the extension of trading hours will exacerbate parking/congestion problems. Objectors also raised concerns that the increased hours and the increased traffic flow could impact on the timings of public transport thus causing unnecessary delays. Concerns were also raised that the increased congestion could lead to road traffic accidents at busy times.

- Concerns that the residential area could not provide the suitable infrastructure for the increased hours if other sites applied for a similar scheme in the future.

Internal /Other Consultations

Environmental Health officers were consulted on this application and concluded that after careful consideration of the Odour and Additional Noise Assessment provided as part of this application (dated September 2017), any increase of noise/odour would not be harmful to the amenities of the surrounding residents and recommended approving the application, subject to conditions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02

states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Impact on the character and appearance of the property and general locality:

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

It is noted the physical presence of the extraction equipment would have the most impact on the appearance of the host site and the surrounding area. As the equipment has already been deemed an acceptable addition to the host site through the original application, it is not found that increasing the hours of use of the extraction equipment would have a detrimental impact on the appearance of the host site or the surrounding area.

As is made clear in the National Planning Policy Framework, the character of an area is made up of much more than its physical appearance, but includes how it functions and contributes to local identity and sense of place. It is noted that A1 retail units in the area have less restrictive opening hours. However, it is considered that the nature of an A3 use is such that, exacerbated in this case by the outdoor seating, the evening use is likely to generate noise and disturbance through the associated activity that would be out of character with this small parade.

Impact on the amenities of neighbouring occupiers:

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

DM01 states that noise can reduce the quality of life of people living or working in the borough. Planning controls can help to minimise noise disturbance in new developments with planning conditions used to control the operating hours of a particular source of noise. Planning conditions can also be used to reduce the effects of noise on nearby noise sensitive residential uses.

In addition, DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.

It is noted as part of application B/00095/13, dated 12/07/2015 that the restriction on the trading hours was a material consideration as part of the original application. The proposal as part of the originally approved scheme was considered not to be detrimental to the amenities of the occupants of any neighbouring property, subject to conditions. As part of that application the trading hours and use of the extraction equipment were restricted to no later than 6:00PM on Weekdays and Saturdays and 5:00PM on Sundays, and Bank and Public Holidays.

Following the submission of additional technical information, Environmental Health officers have raised no objections to the increased trading hours or the increased hours for the extraction equipment to be used, with specific reference to noise and odour. Given the limited increase in the hours now proposed, it is considered that the variations as proposed under this application would not prove detrimental to the amenities of the occupiers of the neighbouring residential properties.

Summary

It is considered that the proposals, at the hours proposed, would not have any significant detrimental impact to the character of the host site or the surrounding area or on the amenities of the neighbouring residential occupiers.

5.4 Response to Public Consultation

Concerns that the extraction equipment will not comply with permitted noise levels and that in conjunction with the noise from No. 3 Sussex Ring would cause impact to the amenities of the neighbouring residential sites

Environmental health officers have concluded that the noise levels would be acceptable and protective of neighbouring amenities and as such it is not found that the increased use of the extraction equipment would be detrimental to the residential neighbouring occupiers.

Concerns that the increased hours will allow the smell of food to affect residential properties to an increased level for prolonged periods of time thus affecting the ability of local residents to enjoy their outdoor amenity space in the summer period

Environmental health officers have concluded that the odour levels would be acceptable and protective of neighbouring amenities and as such it is not found that the increased use of the extraction equipment would be detrimental to the residential neighbouring occupiers.

Concerns that the increased hours would lead to increase littering even with the restrictions on outdoor seating after 20:00

Littering per se is not a material planning consideration and objectors are invited to submit their issues to the Environmental Health team if the littering proves to be a nuisance or to the Street Cleaning Team if the littering persists.

Concerns that the additional opening hours could lead to increase levels of vermin in the surrounding vicinity as the proposal does not compensate for an increased level of food waste

The potential of increased vermin activity is not a material planning consideration and objectors are invited to submit their concerns to the Environmental Health team if vermin levels become a nuisance to the surrounding sites.

Concerns that the extension of trading hours will exacerbate parking/congestion problems. Objectors also raised concerns that the increased hours and the increased traffic flow could impact on the timings of public transport thus causing unnecessary delays. Concerns were also raised that the increased congestion could lead to road traffic accidents at busy times

It is not considered that the limited additional activity would lead to congestion or delays to public transport.

Concerns that the residential area could not provide the suitable infrastructure for the increased hours if other sites applied for a similar scheme in the future

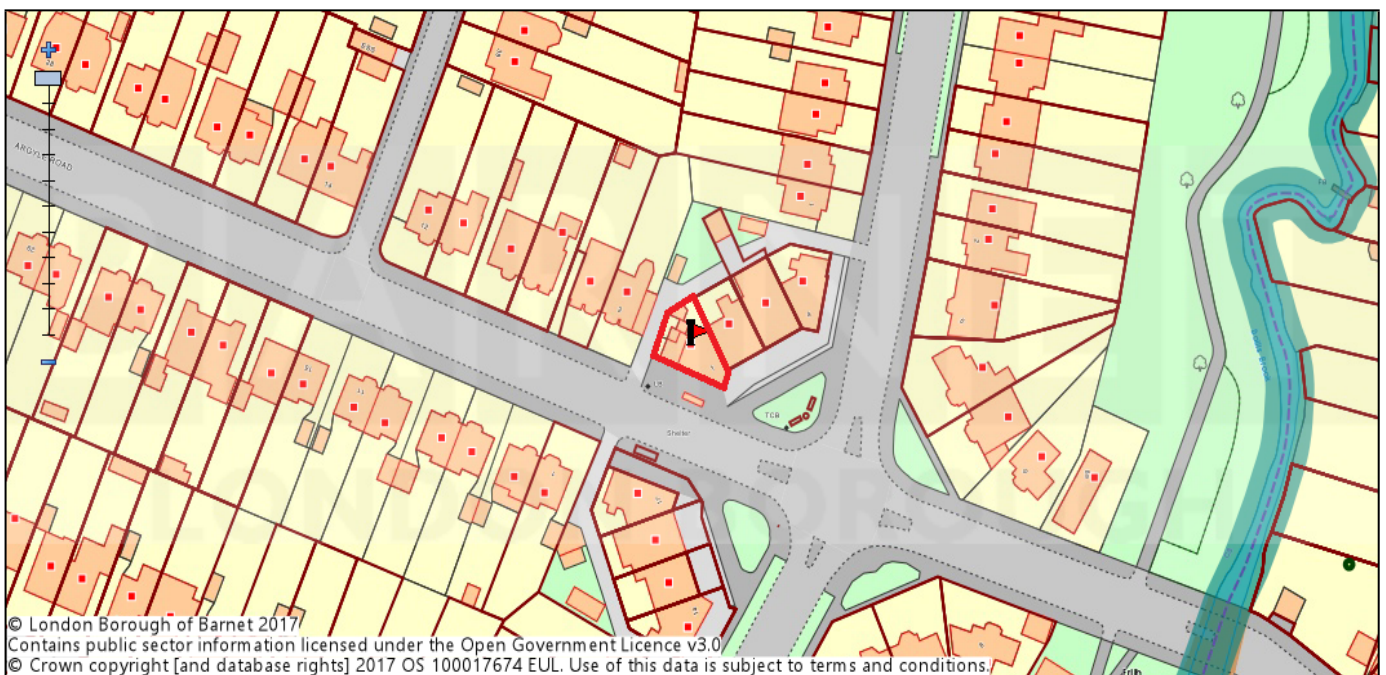
It is noted that each planning application must be decided on its' own planning merits.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site and the general street scene. With conditions, the development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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Location **2A Alverstone Avenue Barnet EN4 8DS**

Reference: **17/6096/FUL**

Received: 26th September 2017

Accepted: 27th September 2017

Ward: East Barnet

Expiry 22nd November 2017

Applicant: Mr KANESU ATHITHAN

Proposal: Change of use from vacant minicab office (Sui Generis) to A1 (Retail Use)

AGENDA ITEM 13

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan

033.17/01

Design and Access Statement Rev A dated 4th October 2017.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The use hereby permitted shall not be open to customers outside the following times: 06.00 to 20.00.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 4 No deliveries shall be taken at or dispatched from the site outside the following times: 06.00 to 20.00.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

- 5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 6 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 7 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise

and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from any plant or machinery as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

- 8 The level of noise emitted from any plant or machinery hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £766.50 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £2956.50 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);

6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

Officer's Assessment

1. Site Description

The site comprises a small (22 sq m GIA) single storey building located on Alverstone Avenue next to the pedestrian entrance to Oakleigh Park Railway Station.

The surrounding area is predominantly residential in character.

The property is not listed nor does it lie within a Conservation Area.

The building was last in use as a minicab office (sui generis), however this use has ceased and the building became vacant in February 2015.

Prior to the minicab office use the building has, in the past, been used as an office and as a retail shop and this is evident in the site history below.

2. Site History

Reference: N05548C/00 (191)

Address: 2A Alverstone Avenue

Decision: Lawful

Decision Date: 6th February 2001.

Description: Continued use of premises as private car hire and mini-cab office.

Reference: N05548B

Address: 2A Alverstone Avenue

Decision: Refused

Decision Date: 17th July 1985

Description: Erection of portakabin for use as mini-cab office and ancillary car park

Reference: N05548

Address: 2A Alverstone Avenue

Decision: Approved subject to conditions

Decision Date: 28th September 1977.

Description: Change of use from retail shop to office.

3. Proposal

This application seeks planning permission for:

Change of use from vacant minicab office (Sui Generis) to A1 (Retail Use)

4. Public Consultation

Consultation letters were sent to 22 neighbouring properties. 9 objections were received. The comments can be summarised as follows:

- What type of retail shop would this be?
- Increased traffic congestion

- There is already a newsagent on the platform of the Station and the proposed development would be duplicating services already provided
- Disturbance to neighbours
- No provision for bins; a use of this nature will produce commercial waste
- There are already 3 newsagents outside the station
- Parking is a massive problem and stopping outside the shop will cause obstruction and danger to pedestrians
- Noise impact
- Shop is too small to not cause an obstruction if it becomes popular; potential for hurried pedestrians to be forced onto the road at what is a busy blind corner
- Concerned about impact upon vulnerable member of the community including those who are blind or have special needs.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM11.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be cause to the Character and Appearance of the area
- Whether harm would be caused to the living conditions of neighbouring residents;
- Retail considerations
- Highways considerations
- Environmental Health considerations

5.3 Assessment of proposals

The application proposes change of use of a small existing building (22 sq m GIA) from vacant minicab office (Sui Generis) to A1 (Retail Use).

No external alterations to the building are proposed. Only internal alterations would be made.

The building has been vacant since February 2015 when the mini cab office use ceased.

Prior to the last mini-cab office use, the building was used as an office and before that a retail shop.

When the application was submitted, the exact nature of the proposed retail use was unclear, however, the applicant has subsequently clarified that the shop would be a small convenience store serving passing commuters; selling newspapers, drinks, confectionery etc.

The proposed opening hours are from 6am to 8pm in order to capture the outgoing and return commuter trade.

Whether harm would be caused to Character and Appearance of the area or to the living conditions of neighbouring residents

It should be noted that the previous use of this small unit was as a mini-cab office.

Due to the nature and size (22 sq m) of the shop, the comings and goings associated with the proposed use will mainly be pedestrians in the form of passing commuters within the proposed opening hours of 6am to 8pm. It is considered unlikely that customers would make a specific trip to a shop of this nature by car.

Within the context of the previous lawful mini-cab office use, which is likely to have involved mini-cabs coming and going from outside the building, it is not considered that the proposed retail convenience store would have an unacceptable impact on the Character of the area or on the living conditions of neighbouring residents; subject to appropriate planning conditions.

The proposed A1 retail use would bring the existing building, which has been vacant since February 2015, back into use and is considered acceptable with minimal adverse impact

on the character and appearance of the area and the amenities of neighbouring residential occupiers.

A planning condition would be attached to any planning permission restricting deliveries to the unit to the same hours as the opening hours, those being 6am to 8pm in order to ensure that no unacceptable impact arises.

Retail considerations

The NPPF and the Council's Planning policies (DM11) usually require significant retail proposals (over 200 sq m gross) to be directed towards a town centre.

However due to the limited floor area of the proposed unit (22 sq m GIA), the specialist nature of the proposed operation which targets passing commuter trade and the historic previous use of the unit for retail it is not considered necessary or appropriate to direct the proposed retail use to a town centre location.

Highways and Refuse

Highways were consulted and responded to say that they have no objection to the proposal.

Planning conditions requiring details of recycling and refuse storage and collection to be submitted and approved would be attached to any planning permission issued.

Environmental Health

Environmental Health were consulted and responded to say that they have no objection to the proposal subject to appropriate planning conditions relating to restriction of noise from plant, ventilation and extraction equipment and insulation against internally generated noise.

5.4 Response to Public Consultation

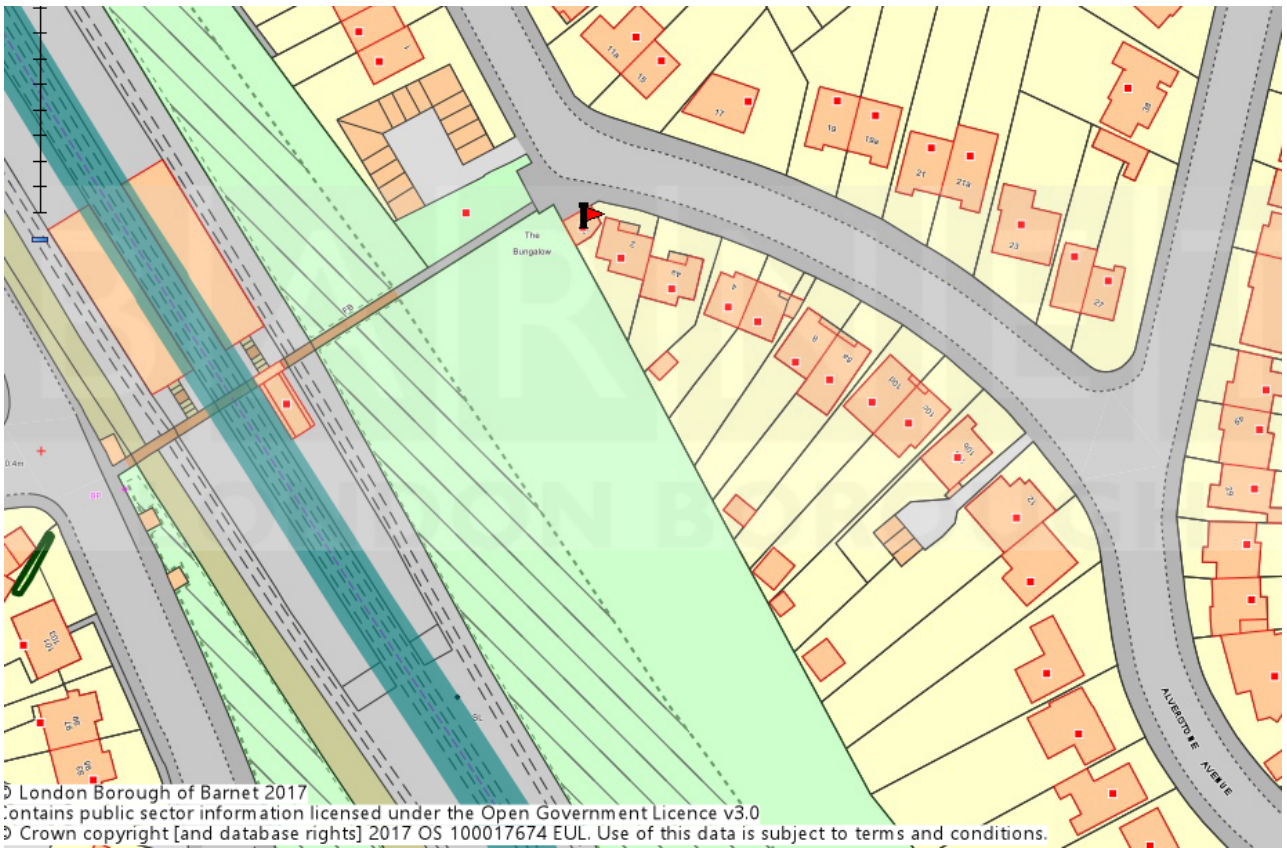
Objections raising material planning considerations are addressed elsewhere in this report. Objections on grounds of competition are not a material planning consideration.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set out in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposal would not cause unreasonable harm to the character of the area or to living conditions of neighbouring residents and is acceptable on retail, highways and environmental health grounds, subject to appropriate conditions. The application is therefore recommended for approval.



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Location 101 Greenway London N20 8EL

Reference: 17/4975/HSE

Received: 31st July 2017

Accepted: 1st August 2017

Ward: Totteridge

Expiry 26th September 2017

Applicant: Mr Jodieri

Proposal: Part single, part two-storey front extension, part two-storey rear extension with decking and steps leading down to garden with changes to landscaping. First floor side extension. Extension to roof including new crown roof with 1 no rear dormer window with juliette balcony and 3 no roof light to side elevation and 1no rooflight to the crown roof. Changes to fenestration including juliette balcony to rear first floor level

AGENDA ITEM 14

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Tree report by OMC Associates (dtd 03/10/17), Site Location plan, drg.no SK-01B, drg.no SK-03C, drg.no SK-04B, drg.no SK-05C, drg.no SK-06C, drg.no SK-07A, drg.no SK-08B and drg.no SK-09C.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 Before the building hereby permitted is first occupied the proposed window(s) and roof lights in the side elevation facing no.99 and no.103 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 5 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.
b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 6 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site is a detached single family dwelling house located on the southern side of Greenway, which is predominantly residential in character with varied roof forms, storey heights and materials.

The properties on this stretch of Greenway stagger in height, with No. 99 Greenway at a lower level and No. 103 Greenway at a higher level.

The property is not listed and does not fall within a designated conservation area, however there are a number of TPO trees on land adjacent to the site - at No.101 and No.105 Greenway.

2. Site History

Reference: TPP/0136/17

Address: 101 Greenway, London, N20 8EL

Decision: Application Invalid On Receipt

Decision Date: No Decision Made.

Description: 1 x Yew - Unspecified Reduction and Thinning. Standing in Group G64 of Tree Preservation Order

Reference: TPP/0306/17

Address: 101 Greenway, London, N20 8EL

Decision: Trees: Refused

Decision Date: 19 July 2017

Description: 1 x Yew (applicant's ref. T1) - Reduce the top of the tree by approx. 20-25 percent, major thinning out by 10%, major dead wooding and to prune and reshape again by 15%, to prune back the side to re-balance the tree 15%. Standing in group G64 of Tree Preservation Order, 1 x Yew (applicant's ref. T2) - Reduce by approx. 20-25 percent, major thinning out by 10%, major dead wooding and to prune and re-shape and to re-balance the tree 15%. Standing in group G64 of Tree Preservation Order

Reference: TPP/0576/17

Address: 101 Greenway, London, N20 8EL

Decision: Trees: Refused

Decision Date: 25 September 2017

Description: 2 x Yew (applicant's ref. T1 and T2) - Reduce the top of the trees by approx. 10%, Major thinning out by 10%, Major dead wooding and to prune and reshape again by 15%, To prune back the side by 1- ½ Meters to re-balance the trees. Group G64 of Tree Preservation Order

3. Proposal

This application seeks consent for an extension to roof including new crown roof with 1 no rear dormer window with juliette balcony and 3 no roof light to side elevation and 1no rooflight to the crown roof. Changes to fenestration including juliette balcony to rear first floor level. Part single, part two-storey front extension, part two-storey rear extension with decking and steps leading down to garden with changes to landscaping. First floor side extension.

The scheme has been amended since the original submission and the roof has been substantially reduced in bulk and scale. The side dormers, the front porch and the basement have been removed from the proposal.

Roof

The property is two storey in height with a flat roof. The applicant seeks approval to create a hipped roof with a crown top over. The proposed roof to the top of the roof ridge would be 3.4m in height.

Rear dormer

The rear dormer will be centrally located on the proposed crown roof and will be set away from the roof slope on both sides by 1.7m. It will measure 2.1m in height, 3m in width with a depth of 2.6m. It will be set down from the main ridge by 0.5m and set away from the eaves by approximately 0.8m.

Rooflights

2no. roof lights are proposed on the roof slope adjacent to no.103 and 1no. roof light is proposed on the roof slope adjacent to no.99. An additional roof light is proposed on the flat part of the crown roof.

Front extension

The applicant seeks planning permission for a two storey centrally located front extension. It will be set in from the flank wall of the host property adjacent to no.103 by 3.6m and will have a width of 6.5m and a depth of 0.72m. It will be set in from the flank wall of the host property adjacent to neighbouring property at no.99 by 2.6m and 3.6m from the flank wall of the host property adjacent to neighbouring property at no.103.

It will have a hipped roof with eaves to match the host property measuring 5.8m and a maximum height of 8.3m when measured from ground level.

First floor side extension

The first floor side extension along the boundary with neighbouring property at no.103 will be set in from the boundary by 1m. It will have a width of 1.6m.

It will have a hipped roof with eaves to match the existing eaves of the host property and will join the proposed crown roof to create a hip.

Rear extension

The existing rear building line is staggered. The proposals will infill the staggered areas to form a flush building line at rear. The proposed single storey rear extension will project 4m in depth along the common boundary wall of neighbouring property at no.103 Greenway, full width of the property. It will be set away by approximately 1m from the boundary wall of neighbouring property at no.99 and approximately 2.2m from the flank wall of this neighbouring property. It will measure 5m in depth adjacent to this neighbouring property.

The extension will have a flat roof measuring 3m in height.

The first floor rear extension will measure 2.9m in depth and 11.7m in width with a recessed balcony of 4.26sqm to the centre, accessed from the hallway and the master bedroom.

Decking

The gradient of the property drops to the rear of the property. To enable access to the rear garden, the applicant is proposing to extend the existing raised decking.

The decking will be set away from the boundary wall of no.103 by approximately 0.6m, full width of the garden up to the boundary of no.99. It will have a depth of 2.6m with access steps leading to the rear garden adjacent to no.103.

4. Public Consultation

6 consultation letters were sent to neighbouring properties.

10 responses have been received.

Objections have been summarised below:

- Overdevelopment of the site
- Overshadowing
- Balconies will be intrusive
- Roof will be overbearingly dominant
- Loss of privacy
- Loss of car space
- Perception of overlooking
- Loss of outlook
- Sense of enclosure
- Plans are misleading
- Out of character

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Impact on the character and appearance of the existing building, the street scene and the wider locality

At present the property has a flat roof. The street benefits from varied roof forms mostly hipped/pitched and crown. There are no examples of flat roof dwelling within the immediate vicinity of the area, with the exception of the host property. The design and massing of the new roof will be more in keeping with the character of the surrounding area and will respect the staggered relationship that exists between the neighbouring properties.

With the proposed two storey side extension and extensions to the roof, a balance is established. The extensions will introduce symmetry to the frontage whilst respecting the original forward projection. The two storey rear extension is considered to be of an acceptable size, siting and design. The rear dormer has been reduced in width and depth and the two side dormer has been removed. This element is considered to have an acceptable impact on the character of the host property.

The basement has been omitted from this application and the overall bulk of the development has been reduced. The development is therefore considered to harmonise with the character and appearance of the host property and will not harm the streetscene of Greenway nor the neighbouring Conservation Area.

Impact on the living conditions of neighbouring residents

The rear dormer has been amended and reduced in height and width. It will be centrally located on the proposed crown roof and will be sufficiently set away from the roof slope on both sides. It will also retain adequate roof slope above and below the dormer. The rear dormer by virtue of its design scale and siting are therefore considered to be acceptable. The proposed Juliette balcony will be flush with the rear wall and will not involve an extended platform to step out on. As such the proposed dormer with the Juliette balcony is considered to be acceptable and will not result in overlooking or loss of privacy to neighbouring properties. Furthermore the roof lights and proposed windows to side elevations will be conditioned to be obscure glazed to prevent any potential overlooking or privacy concerns.

The proposed two storey front extension will project approximately 0.72m beyond the main front wall of the host property and appears as a subordinate addition to the property. The front extension will be sufficiently set away from both neighbouring properties 2.6m from no.99 and 3.6m from no.103. As such this element of the proposal is not considered to harm the amenities of both neighbouring properties.

The first floor side extension will be adjacent to neighbouring property at no.103. It will project along the flank wall of the host property and will be set in from the boundary wall of this neighbouring property by 1m. Paragraph 14.17 of the Residential Design Guidance SPD states that in order to reduce the visual impact of two storey or first floor side extensions, there should be normally be a gap of 2m between the flank walls of properties at first floor level (i.e. a minimum gap of 1m between the boundary and the extension at first floor level for most two storey extensions). As such this element of the proposal would comply with Barnet Residential Guidance. It is not considered to have an impact on this neighbouring property as it will be in line with the proposed two storey extension existing at this neighbouring property.

The rear extension is staggered. The proposal is to infill this stagger with a new part single storey part two storey extension. The single storey element will project 4m in depth along the common boundary wall of neighbouring property at no.103 Greenway, this extension could be carried out under Permitted Development as a standalone development. In addition, Barnet's residential design guidance states that a depth of up to 4 metres for a detached property is acceptable. Due to the rear stagger, the extension will measure 5m in depth adjacent to no.99. Whilst it is more than what's normally considered acceptable, it is noted that the proposed extension will be set away by approximately 1m from the boundary wall of neighbouring property at no.99 and approximately 2.2m from the flank wall of this neighbouring property. It is therefore considered that this element given the distances maintained the proposal is not considered to have an unacceptable impact on the amenities of both neighbouring properties.

Paragraph 14.23 of the Residential Design Guidance SPD states that two storey extensions which are closer than 2m to the neighbouring boundary and project more than 3m in depth is not normally considered acceptable, because they can appear to be too bulky and dominant and have a detrimental effect on the amenities of neighbours. Neighbouring property at no.99 is set on a lower level and set forward by approximately 0.3m than the host property. The first floor rear extension will project 2.6m in depth beyond this neighbouring property and will be set away from the common boundary wall of neighbouring property at no.99 by approximately 1m and from the flank wall of this neighbouring property by approximately 2.2m. As such this element of the proposal would comply with Barnet Residential Guidance.

Due to the orientation of the property, the proposed part single part two storey rear extension is not likely to have an impact on the amenities of no. 99 to an unacceptable level. Given the orientation of the sun it is not considered the proposed extensions would cause any significant loss of light or overshadowing to this neighbour to warrant refusal of the application. No 103 benefits from a two storey extension and the proposal would not be any deeper than the neighbouring extension therefore no impact on this property.

Whilst a balcony is proposed at first floor level to the rear extension, it will not project beyond the proposed two storey extension, as such this would be recessed and not considered to result in overlooking or loss of privacy to neighbouring properties.

The gradient of the property drops to the rear of the property. To enable access to the rear garden, the applicant is proposing to extend the existing raised decking. The host property has an existing patio at the same depth and size which will be replaced by the rear extension. The proposed decking will be set away from the boundary wall of no.103 by approximately 0.6m, full width of the garden upto the boundary of no.99. It will have a depth of 2.6m with access steps leading to the rear garden adjacent to no.103. This relationship is considered to be acceptable. The application property already has high boundary treatments in the form of a high fence and dense vegetation that provides natural screening along the boundary with No.99 and no.103. Overall the increase is not considered to be unduly overbearing and will not cause a significant overlooking and loss of privacy. A condition has been attached to ensure suitable screening is used for the proposed decking. This will improve the existing relationship between the application property and its neighbours.

There are protected trees in the rear gardens of No.101 and No.105 Greenway. Sufficient information has been received for the Trees and Landscaping Team to assess the impact on these trees. The basement has now been omitted from the proposal. All works are

again proposed outside of the root protection areas and the development will therefore have an acceptable impact on the health of these trees of special amenity value.

The proposal has been amended and substantially reduced in size, bulk and massing. Furthermore neighbouring property at no.103 has had approval for a very similar side extension under ref. B/02230/11, therefore it is considered that the proposal will be in keeping with the character of the host property and the immediate area and is not likely to cause harm to neighbouring properties to an unacceptable level.

5.4 Response to Public Consultation

- Loss of privacy
- Perception of overlooking
- Loss of outlook
- Overshadowing
- Sense of enclosure
- Out of character
- Roof will be overbearingly dominant
- Balconies will be intrusive

The above comments have been mainly in the body of the report

- Overdevelopment of the site

The proposal has been amended since the original submission and the roof has been substantially reduced in bulk and scale. The side dormers, the front porch and the basement have been removed from the proposal and therefore the amended proposal is not considered to constitute overdevelopment.

- Plans are misleading

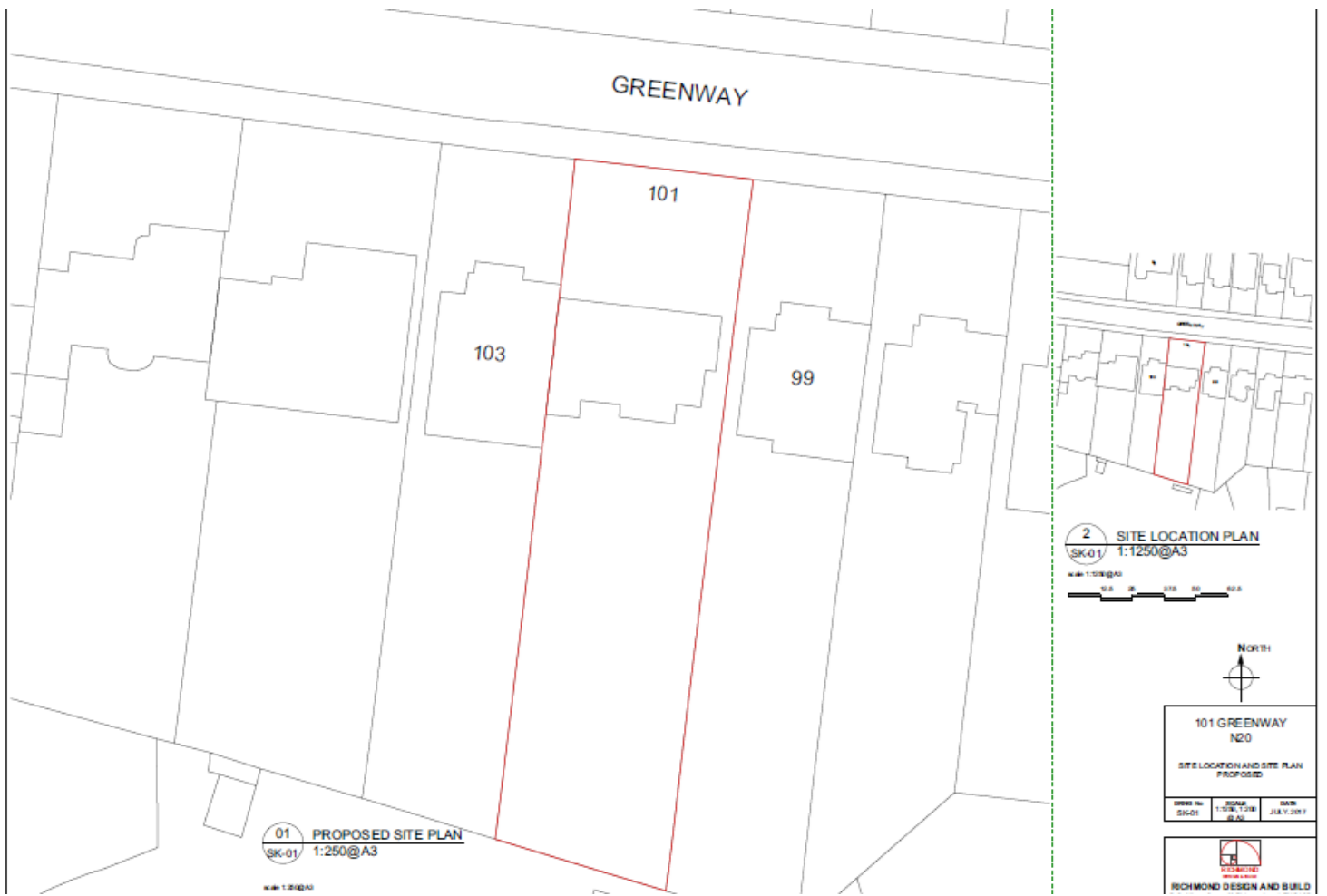
The plans have been amended since the initial submission and are considered to be adequate to make an assessment.

- Loss of car space

Taking into account the relatively limited depth of the front extension it is not considered to create any loss of car space.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.



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